

Steve Sisolak  
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 HEARING

### THE VILLAS OF LAS VEGAS IS REQUESTING A VARIANCE, #726, FROM THE NEVADA STATE BOARD OF HEALTH REGULATIONS.

NOTICE IS HEREBY GIVEN that VILLAS OF LAS VEGAS has requested a variance from Nevada Administrative Code (NAC) 449.74543.2(b) and NAC 449.0105.1 (d).

A public hearing will be conducted on December 3<sup>rd</sup>, 2021, at 9:00 am by the Nevada State Board of Health to consider this request. This meeting will be held online.

Meeting Locations:

**Join from computer using the Zoom meeting link:**

<https://zoom.us/j/91711965467?pwd=WDc0MWJUVnZGRc85VEp1QnNUUExIz09>

Online Conference ID Number: 917 1196 5467

Passcode: 422977

**Join by Phone:**

1-669-900-9128 (San Jose) Access Code: 917 1196 5467

Passcode: 422977

Phone Conference ID Number: 439 309 712#

**The VILLAS OF LAS VEGAS is requesting a variance from NAC 449.74543.2(b) and NAC 449.0105.1(d) which states:**

**NAC 449.74543 Construction, remodeling, maintenance and change of use: General requirements; prerequisites to approval of licensure. ([NRS 439.200](#), [449.0302](#))**

1. A facility for skilled nursing must be designed, constructed, equipped and maintained in a manner that protects the health and safety of the patients and personnel of the facility and members of the general public.

2. Except as otherwise provided in this section:

(a) A facility for skilled nursing shall comply with the provisions of *NFPA 101: Life Safety Code*, adopted by reference pursuant to [NAC 449.0105](#).

(b) Any new construction, remodeling or change in use of a facility for skilled nursing 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 within the facility, including, without limitation, painting the area, replacing the flooring, repairing windows, or replacing window and wall coverings.

3. A facility for skilled nursing shall be deemed to be in compliance with the provisions of subsection 2 if:
- (a) The facility is licensed on January 1, 1999, the use of the physical space in the facility is not changed and there are no deficiencies in the construction of the facility that are likely to cause serious injury, harm or impairment to the public health and welfare; or
  - (b) The facility has submitted building plans to the Bureau before February 1, 1999, and:
    - (1) The Bureau determines that the plans comply with standards for construction in effect before December 11, 1998;
    - (2) The facility is constructed in accordance with those standards;
    - (3) Construction of the facility is begun before August 1, 1999; and
    - (4) There are no deficiencies in the construction of the facility that are likely to cause serious injury, harm or impairment to the public health and welfare.
4. Except as otherwise provided in subsection 5, a facility for skilled nursing shall comply with 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,
- È related to the construction and maintenance of the facility. If there is a difference between state and local requirements, the more stringent requirements apply.
5. A facility for skilled nursing 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 facility.
6. A facility for skilled nursing shall submit building plans for new construction or remodeling to the entity designated to review such plans by the Division of Public and Behavioral Health pursuant to [NAC 449.0115](#). The entity's review of those plans is advisory only and does not constitute approval for the licensing of the facility. Before the construction or remodeling may begin, the plans for the construction or remodeling must be approved by the Division of Public and Behavioral Health. The Bureau shall not approve a facility for licensure until all construction is completed and a survey is conducted at the site of the facility.
- (Added to NAC by Bd. of Health by R051-99, eff. 9-27-99; A by R076-01, 10-18-2001; R067-04, 8-4-2004; R122-16, 9-21-2017)

**NAC 449.0105 Adoption of certain publications by reference; revision of publication after adoption. ([NRS 439.200](#), [449.0302](#))**

1. The State Board of Health hereby adopts by reference:
- (a) *NFPA 101: Life Safety Code*, in the form most recently published by the National Fire Protection Association, unless the Board gives notice that the most recent revision is not suitable for this State pursuant to subsection 2. A copy of the code may be obtained from the National Fire Protection Association at 11 Tracy Drive, Avon, Massachusetts 02322, at the Internet address <http://www.nfpa.org> or by telephone at (800) 344-3555, for the price of \$88.20 for members or \$98.00 for nonmembers, plus, for a printed copy, \$9.95 for handling.
  - (b) *NFPA 99: Health Care Facilities Code*, in the form most recently published by the National Fire Protection Association, unless the Board gives notice that the most recent revision is not suitable for this State pursuant to subsection 2. A copy of the standard may be obtained from the National Fire Protection Association at 11 Tracy Drive, Avon, Massachusetts 02322, at the Internet address <http://www.nfpa.org> or by telephone at (800) 344-3555, for the price of \$65.25 for members or \$72.50 for nonmembers, plus, for a printed copy, \$9.95 for handling.

(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 at AHA Services, Inc., P.O. Box 933283, Atlanta, Georgia 31193-3283, at the Internet address <http://www.fgiguideines.org/> or by telephone at (800) 242-2626, for the price of \$200.

(d) *Guidelines for Design and Construction of Residential Health, Care, and Support 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.fgiguideines.org/> or by telephone at (800) 242-2626, for the price of \$200.

2. The State Board of Health will review each revision of the publications adopted by reference pursuant to subsection 1 to ensure its suitability for this State. If the Board determines that a revision is not suitable for this State, the Board will hold a public hearing to review its determination within 12 months after the date of the publication of the revision and give notice of that hearing. If, after the hearing, the Board does not revise its determination, the Board will give notice within 30 days after the hearing that the revision is not suitable for this State. If the Board does not give such notice, the revision becomes part of the publication adopted by reference pursuant to subsection 1.

(Added to NAC by Bd. of Health by R066-04, R067-04, R068-04, R069-04, R073-04, R076-04 & R077-04, eff. 8-4-2004; A by R121-16, 9-21-2017; R122-16, 9-21-2017)

**The authority of the State Board of Health to consider and grant a variance from the requirements of a regulation is set forth at NRS 439.200 and NAC 439.200 – 439.280.**

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:

<http://dpbh.nv.gov/Boards/BOH/Meetings/Meetings/>

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: 10/07/2021

Name of Applicant: Mark Colloton

Phone: 702-755-0653

Mailing Address: 312 Mchenry Street

City: Las Vegas

State: NV

Zip: 89144

We do hereby apply for a variance to NAC Chapter 449 and adopted references of the Nevada  
chapter/section a) FGI Guidelines, 2014 Edition  
Administrative Code (NAC). (For example: NAC 449.204)

Title of section in question: Nevada Administrative Code (NAC) 449.74543.2(b); NAC 449.0105.1(d);

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

Staff toilet room to be shared with lobby toilet facilities in the Administration Building. Family/Unisex Toilet #1 Room 109.

Staff Bathroom FGI Sections 3.2-4.3 & 2.3-4.3.3

Lobby Bathroom FGI Sections 3.2-2.3.2.2(3)

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): NA

**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 degree of risk of health.

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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 strict application of the regulation (see code references noted above) would call for Villas of Las Vegas to have a dedicated bathroom for staff and a dedicated bathroom for visitors in the Administration House. As built, there is one bathroom that would be used by staff and visitors. To add a bathroom in the Administration House we would have to take up most of the employee break room area and there is nowhere else on the campus where we can put this room. Also, the cost of adding this bathroom would be \$28,000.

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

There would be no detriment to public welfare if this variance was granted. Most of the Villas of Las Vegas staff will be working in the individual Villas and not in the Administration House. In the same vein, most visitors will be in the Villas to visit with their loved ones. Due to the number of people who will be working or visiting the Administration House at any given time, they can easily share one restroom and this would not cause any detriment to these employees or visitors.

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

The purpose of the regulation from which we are seeking a variance is to ensure that staff and visitors have a safe and easily accessible restroom to use when they are working in or visiting the Administration House. Having one bathroom that services both staff and visitors will not impair the purpose of the regulation in any way because there will not be a large number of staff and/or visitors in the Administration House at any time.

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

- X 1. Legal description of property concerned The Southwest Quarter (SW 1/4) of the Northwest Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of Section 19, Township 21, Range 60 East, M.D.M., Clark County, Nevada
- \_ 2. General area identification map



NEVADA STATE BOARD OF HEALTH  
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**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 See attached Plans
- 7. Other items (see following pages) See attached documents

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

Please schedule this hearing during:

- 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: Mark Colloton  
Title: Architect  
Date: 10/07/2021



~~December 22, 2020~~  
February 2, 2021

**Third Party Plan Review: KGA Architecture**  
KGA Project Number: 2017413.30R

**For: State of Nevada Department of Health and Human Services  
Nevada Division of Public and Behavioral Health (DPBH)  
Bureau of Health Care Quality and Compliance (HCQC)**

Facility Name: Villas of Las Vegas – SNF  
Project Name: Villas of Las Vegas  
Firm Name: EHB Companies  
Address: 1215 S Fr. Apache Rd. Ste. 120  
Email: [mcilloton@ehbcompanies.com](mailto:mcilloton@ehbcompanies.com)  
[Momeni Engineers, LLC](http://Momeni Engineers, LLC)  
[Rene Rolin\\_rener@momeniengineers.com](mailto:Rene Rolin_rener@momeniengineers.com)

**7<sup>th</sup>R Plan Review: General Information Request – Drawing Revisions Review**  
**(Delta 12 thru 15)**

**KGA has been authorized to perform a third-party plan review on behalf of the State of Nevada Bureau of Health Care Quality and Compliance.**

The applicant is required to submit plans for separate and independent review by the Office of the Nevada State Fire Marshal (SFM) and to the Authority Having Jurisdiction (AHJ) for a permit to construct based on the facility location. Applicants are encouraged to contact the SFM and AHJ to verify the current and applicable codes prior to submission. Applicable codes and regulatory standards vary and may precipitate independent comments. If a code conflict occurs, the most restrictive Life/Safety code shall be enforced (NAC 477.280).

Plan review comments provided by KGA Architecture to the applicant during the Third-Party Plans Review process shall not be construed as an approval or waiver of any code or ordinance violation not otherwise listed. Compliance with all applicable codes and ordinances is the sole responsibility of the design professional.

Third-Party Plans Review are provided in accordance with applicable codes and guidelines including but not limited to the following:

- Nevada Revised Statutes Chapter 449 – NRS 449, NRS 477
- Nevada Administrative Code Chapter 449 – NAC 449, NAC 446
- 2014 FGI Guidelines for Design and Construction of Residential Health, Care, and Support Facilities*
- 2012 International Building Code – 2012 IBC
- 2012/2015 NFPA Life Safety Code 101 – 2015 NFPA
- 2012 NFPA 99 & 2012 NPFA 70

Plan review comments or deficiencies noted are required to be responded to before a Plan Review approval letter can be issued.

***All referenced Appendices, Sections, and Tables are from the applicable 2014 FGI, 2012 International Building Code (IBC), 2012 NFPA 101, 2012 NFPA 99, and/ or the 2010 International Code Council / American National Standard Institute accessible and usable buildings and facilities standard (ICC/ANSI A117.1-2009).***



**PROJECT DATA:**

Occupancy Group(s):	I-2/B/A-2	Fire Sprinkled:	Yes
Type(s) of Construction:	Type V-A	Risk Category:	N/A
Stories/Height:	Single Story	Seismic Design Category:	"C"
New Const. Area:	46,349 G.S.F.	Valuation:	4,205,880.00
Occupant Load:	154	Automatic Fire Alarm	Yes

**Plan review comments**

No.	Sheet	Code	Comment:
1.	A0.02	2012/2015 NFPA Life Safety 101 Chapter 18, Section 18.3.2.5.3(8)	<u>Cooking Facilities:</u> <del>Per the narrative, fire extinguisher locations were updated. Provided verification that the fire extinguisher within the kitchen area was not affect by this change. Drawings do not indicate which fire extinguishers were relocated.</del> <b>RESOLVED</b>
2.	A0.02 A4.00 A5.00 A5.01 A5.02 A5.03 A6.00 M100  A0.02 A0.07	2012/2015 NFPA Life Safety 101 18.1.6.1, (8.2.1) 8.2.3 2012 IBC 711.3, 711.5, 711.7, 711.8	<u>Roof/Ceiling Assembly:</u> The building code data indicates the roof as 1-hour, notes on sheet A4.00 "F" indicates the new ceiling mechanical unit is recessed. With reference to the mechanical plans. On M100, it is noted that the new ceiling unit is a 5-sided gyp bd enclosure. Please provide the UL details supporting the installation of these unit to maintain the 1-hour roof/ceiling assembly in accordance with your assembly listing. This needs to address any penetrations ( <i>pipes/ducts</i> ) with associated listed assemblies. Nothing is provided in the revision drawings to indicate the assembly proposed or the protection of these penetrations. Please review and provide assemblies to support the 1-hour roof construction through penetrations. Detail 6 on sheet A0.07 was provided showing the 1-hour gyp bd light enclosure, it does not reference a design assembly or the type of gyp bd used for the enclosure. The number of light penetrations as well as the ceiling VRF unit exceed the P522 max damper opening of 324 s.i. Please clarify with an approved assembly that all through-penetrations at the ceiling membrane and roof membrane meet the 1-hour assembly requirements. NFPA 18.1.6.1, 8.3.5.6 Membrane Protections. 8.3.5.6.1 <b>UNRESOLVED</b>
3.	A3.00  A0.02 A0.07	2012/2015 NFPA Life Safety 101 8.2.3.1, 8.2.3.2 2012 IBC 714.4, 714.4.1.1, 7144.1.2 NFPA 18.1.6 Table 18.1.6.1	<u>Roof Penetrations:</u> The roof plan shows multiple penetrations with new attic ventilation openings. Please provide verification of penetration protection in accordance with the code requirements. Verify that these opening maintain the integrity of the roof assemble the project has applied. Provide details on the drawings to support the any fire-resistive or fire-rated roof assemblies. The number of vent penetrations shown need to meet the Class A, B, or C, listing as listed by construction type. An approved assembly for the through-penetrations at the roof membrane meet the 1-hour assembly requirements. Please clarify with an approved assembly that all through-penetrations at the ceiling membrane and roof membrane meet the 1-hour assembly requirements. NFPA 18.1.6.1, 8.3.5.6 Membrane Protections. 8.3.5.6.1 <b>UNRESOLVED</b>

3.	<b>HCQC Notes 01/13/2021</b>	NAC 449 FGI 2014 NFPA 101 NFPA 99	<b>80% State Inspection:</b> An email with a comment letter from Steve Gerleman was issued on Jan. 13, 2021 following the 80% advisory survey. Please make sure to review and resolve all the items presented in the State letter. We have not seen a response to those comments. <b>ADVISORY ONLY.</b>
4.	<b>A0.02 A8.00 A8.10</b>	<i>NFPA Table 18.3.2.1</i>	<b>Hazardous Area Protection</b> Based on the plan review of prior Delta 11 drawings the soiled laundry room was shown with 1-hour wall as required. The updated sheet does not indicate the rated wall line on the plan but the wall type "1" is UL 329. The door is not shown as rated in accordance with 8.7.1.3 (45 min.). Please update and verify that all doors/frames within rated fire resistive walls are properly rated on the door schedule.

Please submit an itemized response letter and two (2) copies of **complete and revised** documents with all revisions clouded and labeled directly to KGA Architecture.

Respectfully,  
**KGA Architecture**  
*Darris Peterson,*

Darris Peterson,  
 Sr. Associate, Director of Healthcare Architecture

cc: Steve Gerleman, BHCQC  
 John Gemar, BHCQC

Steve Sisolak  
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

March 25, 2021

markateck@gmail.com

Mark Colloton, Architect  
Markateck, LLC  
312 McHenry Street  
Las Vegas, Nevada 89144

Thank you for providing follow-up comments to our 03/02/21 meeting concerning Villas Las Vegas. This letter is to either reaffirm the updated comments or identify missing or incomplete discussion items. Those issues that require more detail and/or corrections will be listed with a **red number** indicator. This letter is to harmonize and clarify any differences to help move this project forward and to facilitate future discussions. I will use your numbering to help track along with your 03/01/21 letter and your 03/05/21 e-mail's updated 03/01/21 letter (see attached). Your letter and our meeting were predominately limited to some issues identified in The Facility Guidelines Institute, "*Guidelines for the design and Construction of Residential Health, Care, and Support Facilities*" (FGI Guidelines).

State adopted codes for this project includes:

- 1) 2018 Edition of the National Fire Protection Association (NFPA) 101, Life Safety Code (LSC)
- 2) 2014 Edition of the Facilities Guidelines Institute, "*Guidelines for the Design and Construction of Residential Health, Care, and Support Facilities.*"

FGI Guidelines Glossary definition:

Room – A space enclosed by hard walls and having a door. Where the word "room" or "office" is used in the *Guidelines*, a separate, enclosed space for the one named function is intended. Otherwise, the described area may be a specific space in another room or common area."

The above "room" definition is one of the significant reasons (other reasons include care model and buildings' sizes) for this facility's inability to fully conform to the FGI Guidelines requirements. The FGI Guidelines does recognize that there are various nursing home models as identified in Table A3.2-a Nursing Home Care Model Characteristics (on page 139). The FGI Guidelines does not assign code sections to a particular care model. As a consequence, multiple room functions are competing for a single room, thus creating a conflict with the code and possibly creating operational dysfunctions.

Item Review:

1) Airborne infection isolation room (AIIR). The AIIR needs to be described in the facility's functional program (FP) and infection control risk assessment (ICRA) identifying the need for, and the number of, AIIRs for Villas Las Vegas. If an AIIR is not included with this project, the facility will need a policy stating they will not admit or retain any resident that would require an AIIR room (TB, small pox, etc.) and would provide the proper transfer to a health care facility capable to accommodate such residents/patients. Note: COVID is a droplet precaution infection.

- 2) The salon to be located within the Administrative Building.
- 3) The salon toilet room to be shared with the rehabilitation toilet room within the Administrative Building (Sections 3.1-2.2.2.6, Section 3.1-2.3.5/3.2-2.5.3 and Section 3.2-3.3.7.2 (p. 135). Possible variance needed or committed scheduling between these two functions for the life of the building.
- 4) Quiet Room. Review of the language in the 2014 Edition of the FGI Guidelines revealed that for both the Quiet Room for the resident units and the Quiet Room for the common/community spaces appear to optional. However, these two requirements must be addressed in the functional program. See pages, 63, 66, 114, 115, 130 and 132.
- 5) The type of residents to inhabit the facility needs to be described in the functional program and in policy. The type of residents dictates the requirements for the facility. Example: ventilator dependent residents require the building be electrically wired to Article 517 of the National Electric Code (NFPA 70) and other FGI requirements. If the facility does not plan to have ventilator dependent residents, the facility must also have a policy to not admit these residents into the facility and a discharge policy for relocating these clients (if a resident declines to become ventilator dependent). See FGI Guidelines Sections 3.2-1.1.2 and 3.2-1.2 on page 125 and Section 3.2-2.2.3.2 on page 130. Decisions on resident types for the facility may necessitate more required rooms and features to be identified.
- 6) Administrative and Lobby requirements, Section 3.2-2.3.3
  - (a) Reception in Office 203 (cottage) – OK
  - (b) Lobby 201 (cottage) – location per diagram indicates within the resident living spaces.
  - (c) Restroom 205 (cottage) – multiple uses for a single toilet room;
    - (i) Lobby Public Toilet Facilities, Section 3.2-2.3.2;
    - (ii) Staff Toilet Room, Section 2.3-4.3.3; and
    - (iii) Resident Dining/Activity Toilet Rooms, Section 3.2-2.3.3.4.  
possible variance.
  - (d) Public telephone is a must. Personal cell telephones not a substitute. Public telephone location at the dining counter is within the residents' home and would possibly be a dignity issue – need proper resolution.
  - (e) Provisions for drinking water not addressed.
- 7) Staff lounge located in Administration Building.
  - a) Concern with staff not being nearby the residents. Staffing levels to be established for sufficient staff coverage while away from cottages.
  - b) Staff toilet(s) room to be established (Section 2.3-4.3) along with the shared lobby toilet facilities (Section 3.2-2.3.2) within the Administrative Building. Possible variance.
  - c) Other requirements for staff; i.e. microwave, refrigerators, etc. needs to be identified.
- 8) Hand wash station (proper size) with mirror, soap, paper towels to be add to the Spa 209 rooms - OK.
- 9) Grab bars to have support specifications and calculations – pending.
- 10) Corridor handrails to reflect location, ADA compliance and support specifications – pending.
- 11) Hand washing details to be provided and establish to be compliance prior to installation - pending.

12) Heating, Ventilation, and Air conditioning (HVAC) pre-filter specification to be provided and where to be installation locations to be identified. Specification details for the ERV to be provided to the state agency.  
Pending.

13) Wireless nurse call system (through cell telephones) specifications to be provided to the State Agency.

14) Resident corridor/aisle clearances and maneuverability to be demonstrate at time of initial survey.

15) Clean, soiled, the shared Environmental Services (EVS) for dietary, EVS for the house, plus storage and medical gas cylinder storage, and the medication closet. This approach seems plausible. Issues include:

a) the door access to the medication room to allow egress through nearby exit.

b) one-hour fire-rated barriers and smoke dampers to be added for the soiled room and the room shared with EVS for dietary, EVS for the house, plus storage and medical gas cylinder storage room.

c) Laundry Services:

(i) The facility's functional program needs to be explicit concerning the activities for the laundry:

- is the laundry done in-house;

- done outside the facility; and

- how resident personal laundry to be managed?

This information will guide us to if and what correction may be needed.

(ii) Sharing of unit clean room and soiled room (Sections 3.2-4.2.5 and 3.2-4.2.6) with laundry clean room and soiled room (Sections 3.1-4.6.3.1 and 3.1-4.6.3.2), possible variance.

d) The facility did not have accommodations for personal laundry (Section 2.3-4.2.7 (p.70) & Section 3.1-4.2.7 (p.117) and the functional program did not discuss personal laundry.

16) Food Service.

a) Family and resident cooking – a possible NAC 446 issue (defer to Dominick DiFranco, BHCQC)). The facility's functional program did not discuss the Resident Participant Kitchen (Sections 3.1-2.3.4, 3.2-2.3.4, 2.3-2.3.4, and 3.1-4.5), nor Family and Visitor Kitchen (Section 3.1-4.5).

b) Kitchen to serve as nourishment, needs to be identified in the functional program with the method and means.

Also see Nevada Administrative Code (NAC) 449.74525.6 for nourishment requirements.

c) Distribution of Ice is non dispensing; need policy - pending.

d) Missing non-dispensing ice machine specifications - pending.

e) Resident accessibility to the ice in the kitchen needs to be clarified.

f) hand wash station location.

g) Dietary Manager to float between cottages & office to be in Administration Building.

h) Environmental service room for dietary next to (Soiled and) Soiled Laundry Room 221.

17) a) Hand Wash Station to be provided to the dining counter.

b) The 20 feet reference is for a smoke detector requirement for the cooking hood, needs to be confirmed to be installed (This is a LSC requirement).

18) Diagnostic and Treatment Rooms – Rehabilitation Services.

a) Functional program was incomplete. Services to be provided and associated rooms/spaces are still unknown.

As an example, if physical therapy is to be provided, then a private physical therapy room(s) is(are) required.

Also, the functional program needs to address if outpatient services are to be provided. If so, additional requirements. Is toileting training to be provided?

b) Hand wash station provided in Administrative Building Room #108.

c) Lockable cabinet next to hand sink confirm with Ms. Goldman comment.

d) Rehabilitation laundry service yet to be determined.



- e) PT moved from Villas to Administration Building Room #108, question about equipment storage provisions.
  - f) Rehabilitation environmental service room to be moved into Administrative Building Room #108.
  - g) Missing soiled (Section 3.2-3.3.5.4) and clean (Section 3.2-3.3.5.3) for the rehabilitation, not identified.
- Possible variance based on decisions made.

19) Missing information about pet care/practices within the facilities in both the functional program and facility policies.

20) Modification of the medication station doors within the cottages to allow both (i) egress out the side exit door and (ii) functionality and security of the medication station door. To be finalized by operator and architect.  
Pending.

21) Family Room (Sections 2.3-4.4 (P.71); Section 3.1-4.4 (p. 117); Section 3.1-4.2.2 (pp. 136-137). The functional program did not discuss support facilities for family and visitors (Sections 3.2-4.4 (p.137) and 3.1-4.4 (p.116)). Use of cottage Room 202 as both a Den for resident activities and as a sleepover room for visitors.  
Requires further discussion and/or possible variance.

22) Missing functional program describing where Staff workstations will be within the facility – pending.

23) The maintenance staff location in the FEMs room of the Administrative Building (Section 2.3-4.10).

24) The sound transmission classification (STC) information in areas of concerns:

- a) Between bedroom – activity/dining room and bathroom interface – the proposed values acceptable.
- b) Between bedrooms walls and closets locations – the proposed values acceptable.
- c) All other identified STC ratings acceptable.

#### Additional Comments:

**A.** Board of Health (BOH) Meetings and Possible Variances. The BOH meets 4-5 times a year, and the soonest meeting is in June 2021. Depending upon timing and the discovery of issues, presentations to the BOH may be over multiple BOH meetings. Variance(s) determinations may require temporary administrative actions (i.e. provisional license) for corrections or for the contingency plan corrections if decisions by the BOH are not approved. Ideally, the number of variances should be minimal to reserve the justifications for those items that truly need relief. When the time arrives for this process, the completed variance applications will need to be sent to the Secretary of the Board of Health 45-days prior to the BOH meeting date. More information to be provided once we can settle on issues that can be supported. **To be determined.**

**B.** The facility's fire alarm policy must conform to the NFPA 101, Life Safety Code Section 18.7. The policy should include information when the fire alarm fails; i.e. redundant calls to 911, etc. – **pending.**

**C)** The facility's corridor doors' undercuts must be no greater than ¼ inch. This is due to the facility's heating, ventilation and air conditioning (HVAC) configuration and the requirements of National Fire Protection Association (NFPA) 80, *Standard for Fire Doors and Other Opening Protectives*, and NFPA 90A, *Standard for Installation of Air Conditioning and Ventilation Systems*.

**D)** Private Staff lockers in closet in Room 203.

**E)** Fire alarm, fire sprinklers, HVAC, plumbing and electrical systems including generator issues to be addressed with subcontractors brought on – **Pending.**



F) To submit revised drawings to state for common record of facility changes. Note: Plans comments are advisory only and the project approval comes at the time of the initial survey or an acceptable plan of correction, see Nevada Administrative Code 449.74543.6.

Added comments by state agency:

G) Section 2.3-4.2.4.3 General Storage. Where is the general storage to be located?

H) Please review the 01/13/21 Advisory Letter throughout to ensure that all items are addressed and corrected. Including the above mentioned, partial list of FGI Guidelines; NFPA 101, Life Safety Code (LSC) and associated NFPA standards; Nevada Administrative Codes (NAC) chapter 449, Americans with Disabilities Act (ADA) compliance, etc.

If you have any additional questions or concerns or we need to set a future meeting, let us know.

Sincerely,



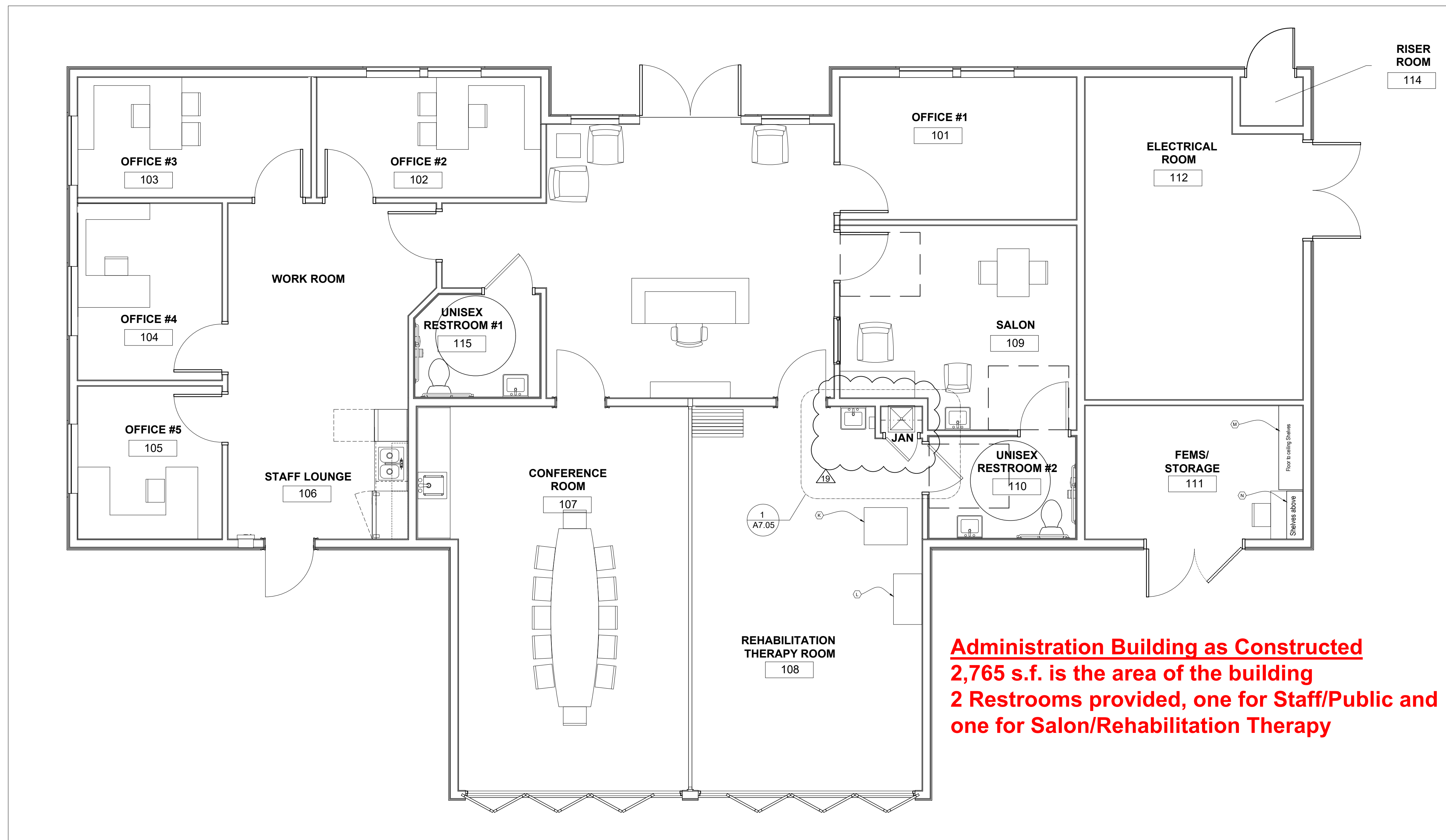
Steve Gerleman, REHS, MBA, HFIM  
Bureau of Health Care Quality and Compliance

Cc: Michele Goldman, Villas Las Vegas [michele.goldman@solutionsh.com](mailto:michele.goldman@solutionsh.com)  
John Gemar, HFI III, BHCQC, [jgemar@health.nv.gov](mailto:jgemar@health.nv.gov)  
Dan Messer, HFI II, BHCQC, [dmesser@health.nv.gov](mailto:dmesser@health.nv.gov)  
Dominick DiFranco, BHCQC, [ddifranco@health.nv.gov](mailto:ddifranco@health.nv.gov)









**GENERAL NOTES:**

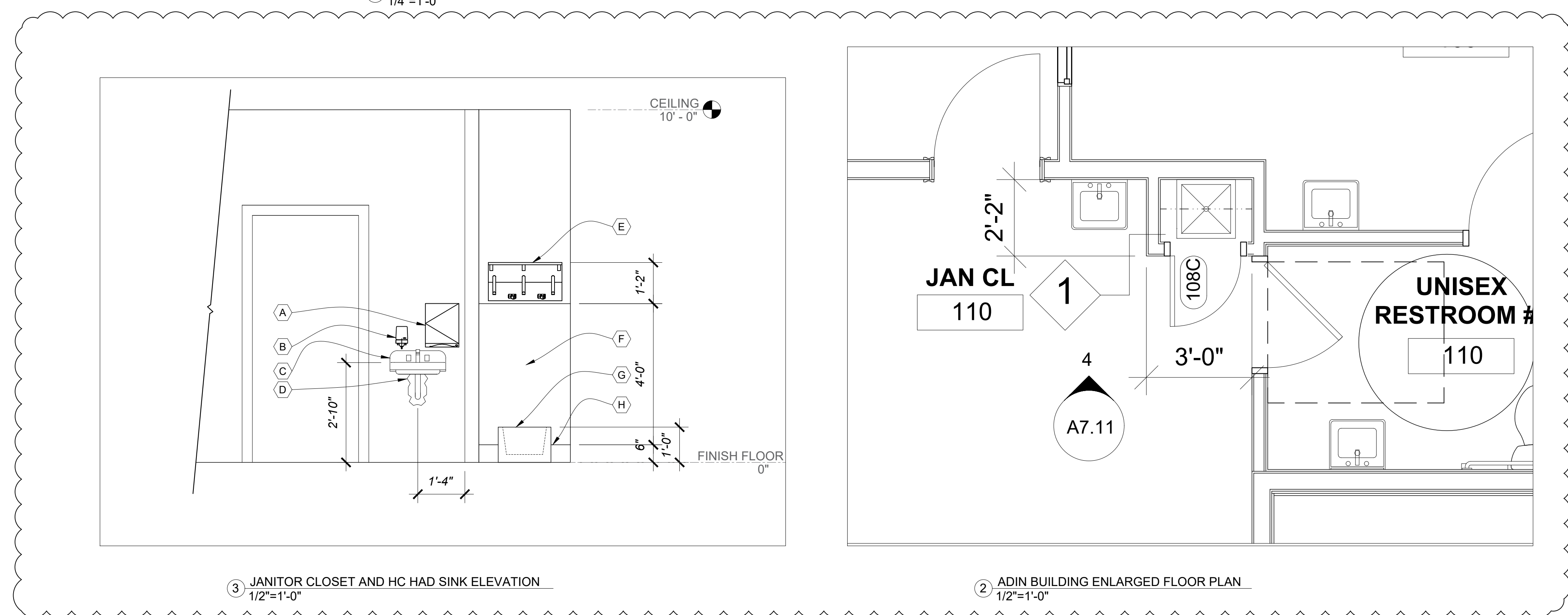
1. ALL INTERIOR DOORS TO BE 4" FROM FACE OF STUD TO FACE OF DOOR ROUGH OPENING, UNLESS OTHERWISE NOTED.
2. PROVIDE BLOCKING / BACKING AS REQUIRED FOR ALL CABINETS, ACCESSORIES AND EQUIPMENT. FASTEN ALL ITEMS W/ SCREWS OR BOLTS EXTENDING AT LEAST 1" INTO SOLID BACKING IF NO OTHER FASTENING IS SPECIFIED.
3. REFER TO SITE PLAN FOR EACH SPECIFIC VILLA LOCATION.
4. REFER TO SHEET A8.10 FOR WALL PARTITION TYPES NOTED ON THIS DRAWING.
5. REFER TO SHEET A8.12 FOR DOOR AND HARDWARE SCHEDULE

**KEY / PLAN NOTES (This Sheet Only):**

- A. WALL MOUNTED PAPER TOWEL DISPENSER
- B. WALL MOUNTED SOAP DISPENSER
- C. ADA COMPLIANT WALL MOUNTED HAND SINK
- D. ADA COMPLIANT SINK PIPE INSULATION
- E. STAINLESS STEEL SHELF WITH MOP HOLDER AND HOOKS
- F. FRP BOARD ALL WALLS
- G. 20" x 18" x 12" MOP SINK
- H. 6" COVED RUBBER BASE
- J. 9" WIDE x HALF SIZE LOCKERS BY OWNER/OPERATOR
- K. SCALE
- L. STORAGE CABINET BY OWNER/OPERATOR FOR LAUNDRY CART AND REHABILITATION EQUIPMENT
- M. METAL SHELVING UNIT BY OWNER/OPERATOR
- N. METAL SHELVING UNIT ABOVE DESK BY OWNER/OPERATOR

**Administration Building as Constructed  
2,765 s.f. is the area of the building  
2 Restrooms provided, one for Staff/Public and  
one for Salon/Rehabilitation Therapy**

1 ADIM BUILDING PLAN  
1/4"=1'-0"



3 JANITOR CLOSET AND HC HAD SINK ELEVATION  
1/2"=1'-0"

2 ADIM BUILDING ENLARGED FLOOR PLAN  
1/2"=1'-0"

ENTIRE SHEET NEW

**CONTRACTOR:**  
**EXECUTIVE HOMES INC.**  
1215 S. FORT APACHE ROAD, STE. 120  
LAS VEGAS, NV 89117

DHC MANAGEMENT LLC  
1215 S. FT. APACHE ROAD, SUITE 120  
LAS VEGAS, NV 89117  
PH. 702-940-6930

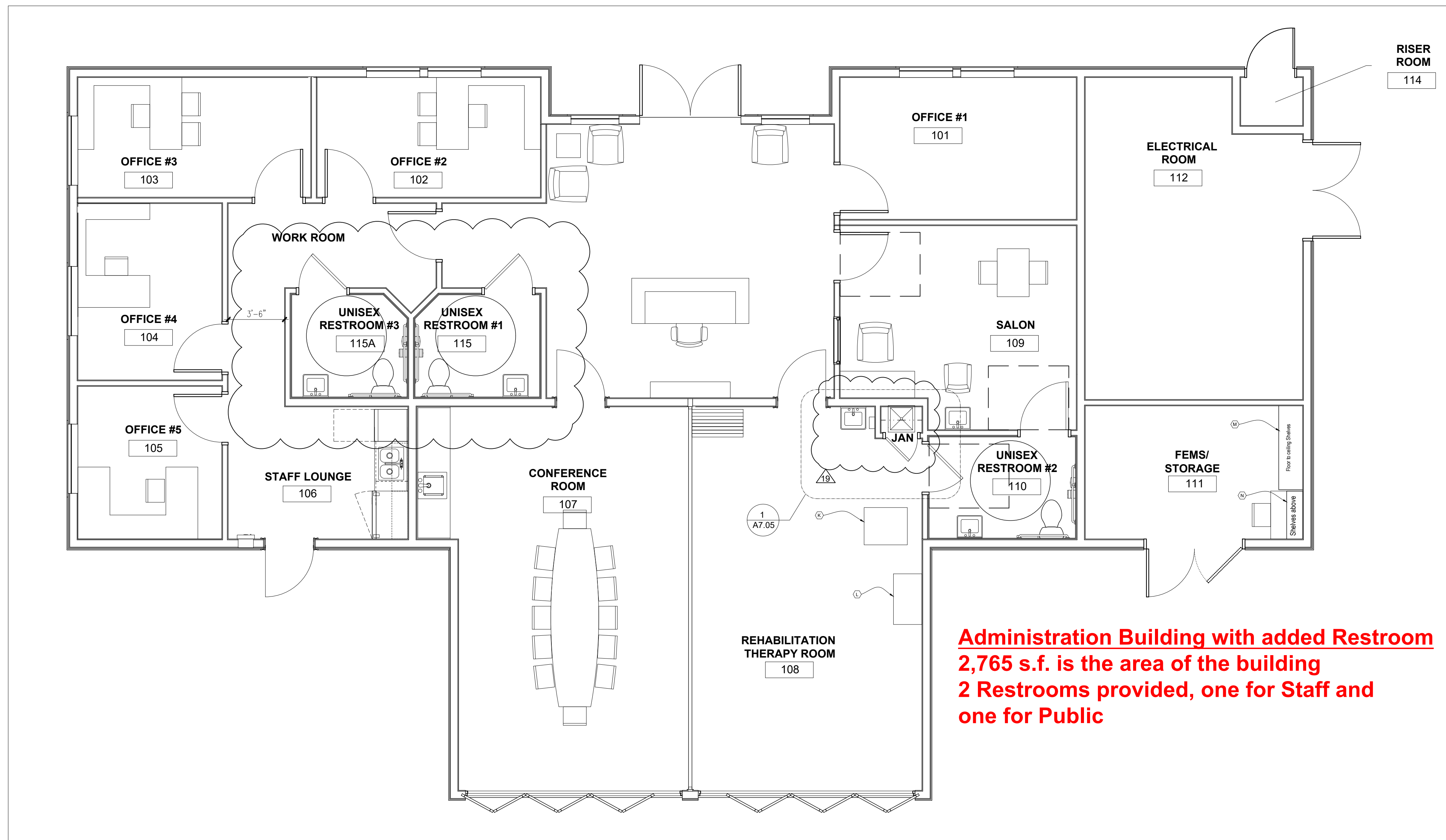
**VILLAS OF LAS VEGAS**  
**A SKILLED CARE COMMUNITY**  
North Fort Apache Road and  
West Tropical Parkway

Rev	Date	By	Description
1	8/31/2021		REVISED SUBMITTAL TO CCBD PERMIT

Drawn By:	MGC
Checked By:	MGC
Date:	08/23/2021
Project Number:	137103
Sheet Title:	FLOOR PLAN ADMIN BLDG

Sheet Number:  
**A1.12**

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_



**GENERAL NOTES:**

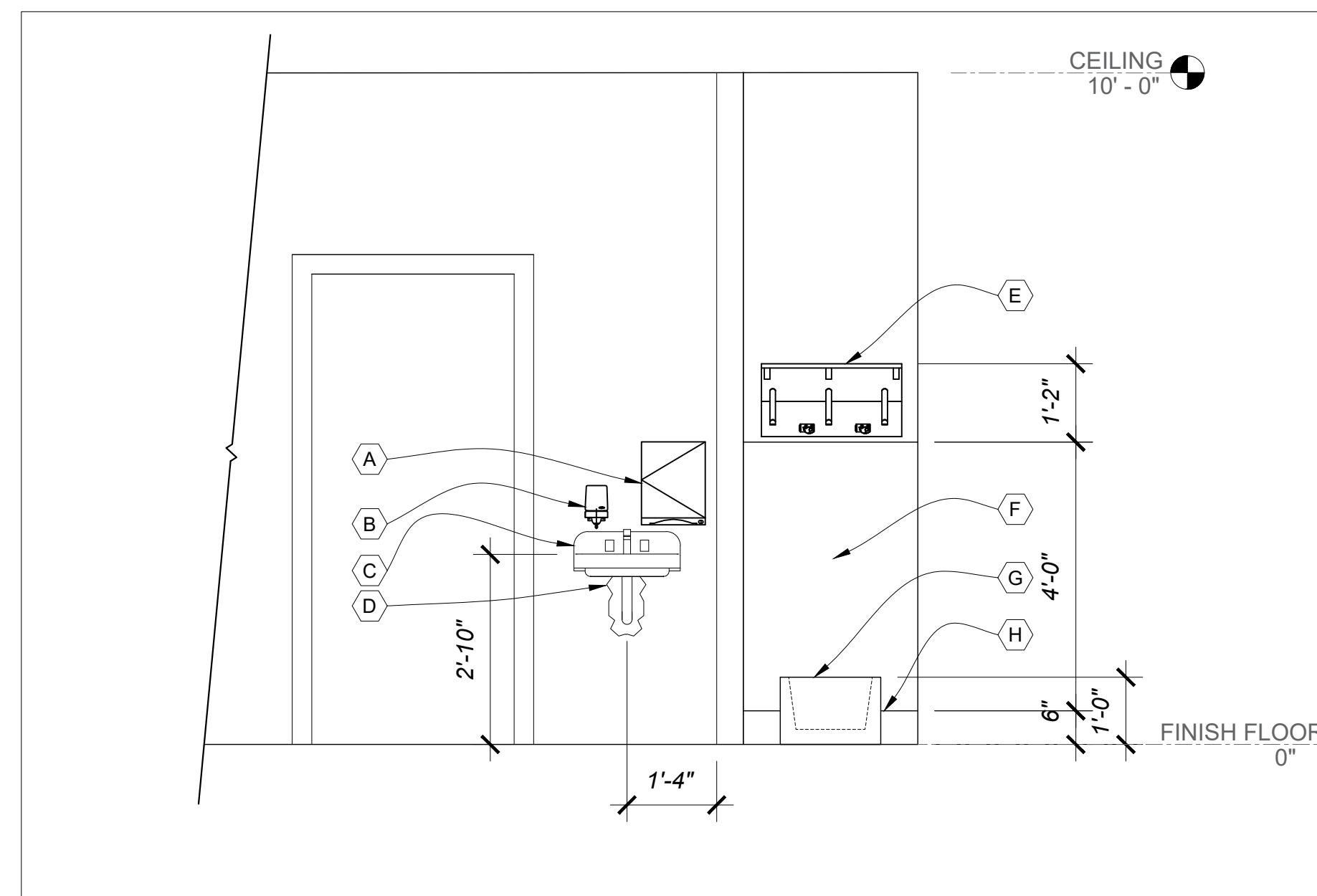
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**KEY / PLAN NOTES (This Sheet Only):**

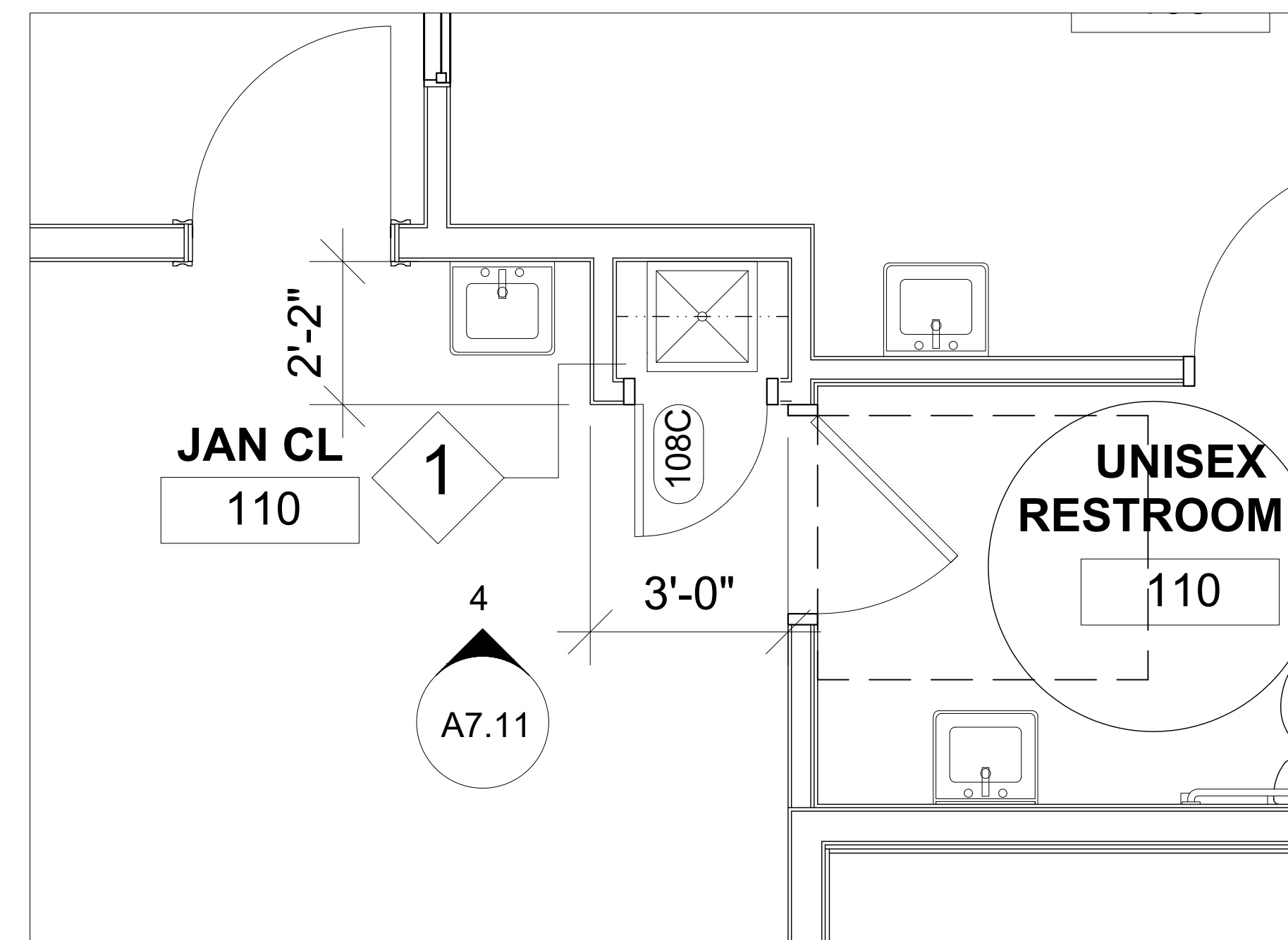
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**VILLAS OF LAS VEGAS**  
**A SKILLED CARE COMMUNITY**  
North Fort Apache Road and  
West Tropical Parkway

Rev	Date	By	Description
1	8/31/2021		REVISED SUBMITTAL TO CCBD PERMIT

Drawn By:	MGC
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Sheet Number:	A1.12

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

## Bathroom No. 2

**Bathroom 2:** Located in the Administration Building within the space currently identified as Workroom #106 to be built as a mirror image and immediately adjacent to Family/Unisex Toilet#1 .

	Description	Unit	Type	Crew	Labor Unit		Mat'l. Unit		Total
				Type	Cost	Total Labor	Cost	Total Mat'l.	Cost
<b><u>New Construction Bathroom 2</u></b>									
1	Locate U'Ground Sewer Main, D.W.V. Piping, Potable Hot and Cold Water Supply.	3	Days	Crew 1	1,400.00	4,200.00	Inc'l.	Inc'l.	4,200.00
2	Sawcut and Remove S.O.G. at new Waste Line	Inc'l. Above		Crew 1	Inc'l.	Inc'l.	Inc'l.	Inc'l.	-
3	Strip and remove Drywall/Finishes at wet walls	Inc'l. Above		Crew 1	Inc'l.	Inc'l.	Inc'l.	Inc'l.	-
4	Strip and remove Drywall at ceiling for HVAC access.	Inc'l. Above		Crew 1	Inc'l.	Inc'l.	Inc'l.	Inc'l.	-
5	Install U'Ground Sewer Line	1	Day	Crew 2	680.00	680.00	750.00	750.00	1,430.00
6	Re-pour S.O.G. at U'Ground Sewer	0.5	Day	Crew 1	1,400.00	700.00	150.00	150.00	850.00
7	Frame new walls/ modify ceiling framing	1	Day	Crew 1	1,400.00	1,400.00	750.00	750.00	2,150.00
8	Rough-in Plumbing D.W.V./Potable H2O.	1	Day	Crew 2	680.00	680.00	250.00	250.00	930.00
9	Install Bathroom exhaust	2	Days	Crew 3	1,200.00	2,400.00	200.00	200.00	2,600.00
10	Install Bathroom Air Supply/Return Ductwork	Inc'l. Above		Crew 3	Inc'l.	Inc'l.	500.00	500.00	500.00
11	Modify Wet Fire Sprinklers as required	1	L.S.	N/A	1,000.00	1,000.00	Inc'l.	Inc'l.	1,000.00
12	Repair Roof Tile at Bathroom Exhaust penetration	1	L.S.	N/A	500.00	500.00	Inc'l.	Inc'l.	500.00
13	Rough-in Electrical lights/switches/outlets.	1	Day	Crew 4	1,200.00	1,200.00	350.00	350.00	1,550.00
14	Install Backing/Bridging	1	L.S.	Crew 1	1,400.00	1,400.00	Inc'l.	Inc'l.	1,400.00
15	Purchase and Install new Door and Hardware	Inc'l. Above		Crew 1	Inc'l.	Inc'l.	1,000.00	1,000.00	1,000.00
16	Drywall Walls and Ceiling	Inc'l. Above		Crew 1	Inc'l.	Inc'l.	Inc'l.	Inc'l.	-
17	Install Porcelain Tile Flooring and Wainscot	1	L.S.	N/A	480.00	480.00	500.00	500.00	980.00
18	Install Water Closet with Flush Valve	1	Day	Crew 2	680.00	680.00	750.00	750.00	1,430.00
19	Install Lavatory with Faucets/Trim	Inc'l. Above		Crew 2	Inc'l.	Inc'l.	600.00	600.00	600.00
20	Install Mech/l. and Elect. Fixtures and Trim	1	L.S.	Crew 2, 4	300.00	300.00	350.00	350.00	650.00
21	Install Grab Bars	0.5	Day	Crew 1	1,400.00	700.00	200.00	200.00	900.00
22	Install Toilet Accessories	Inc'l. Above		Crew 1	Inc'l.	Inc'l.	1,000.00	1,000.00	1,000.00
23	Tape, Texture, Paint / Wallcovering	1	L.S.	N/A	480.00	480.00	300.00	300.00	780.00
24	Final Clean	1	L.S.	N/A	100.00	100.00	50.00	50.00	150.00
	<b>Subtotal</b>					<b>16,900.00</b>		<b>7,700.00</b>	<b>24,600.00</b>
	<b>Contractor Fee</b>								<b>3,690.00</b>
	<b>Total Budget Bathroom No 1</b>								<b>28,290.00</b>

CREW SIZE AND COST relied upon for Cost Budget

4 Electrical Crew = 2 Electricians at \$150.00 per Crew Hour inclusive of Small Tools, Subcontractor Overhead and Profit

2 Plumbing Crew = 1 Plumber at \$85.00 per Hour inclusive of Small Tools, Subcontractor Overhead and Profit

3 HVAC Crew = 2 Sheet Metal Workers at \$150.00 per Crew Hour inclusive of Small Tools, Subcontractor Overhead and Profit

1 Carpentry Crew = 2 Carpenters and 1 Laborer at \$175.00 per Crew Hour inclusive of Small Tools.

## MEMORANDUM

**DATE:** October 7, 2021  
**Revised October 26, 2021**

**TO:** Nevada Board of Health (NBOH)

**FROM:** Markateck, LLC

**RE:** Villas of Las Vegas  
A Skilled Nursing Facility  
North Fort Apache Rd. and West Tropical Pkwy.

### Variance Requests

#### **Administration Building:**

Variance Request:

The Villas of Las Vegas Project, which will be a licensed skilled nursing facility in the State of Nevada, is the first small house Green House® nursing home being built in the State of Nevada. Villas envisions real homes in a campus community setting, where residents enjoy excellent quality of life and quality of care. Elders, their families, and the staff engage in meaningful relationships built on dignity and mutual respect. Villas will be a place where people want to live and work; and where all are protected, sustained, and nurtured.

The Villas of Las Vegas Project was designed in accordance with the FGI Guidelines for Design and Construction for Residential Health, Care and Support Facilities, 2014 as a freestanding household model skilled nursing facility, in lieu of a traditional "Large Single Building" residential facility, in accordance with A3.2-2.2.1.2(3)(c).

As designed, the multiple Villas function as a real home for those in need of skilled nursing and/or rehabilitation care. This model fully supports person centered, non-institutional care and has proven, during the Covid-19 pandemic, to be vastly superior for infection control, than the traditional, institutional model skilled nursing facilities.

In review of the FGI Guidelines it appears that many specific room/use requirements are more appropriately applicable to a "Large" single building facility than to a small house Green House nursing facility. As we are the first in the State of Nevada to construct small house nursing homes, we are paving the way to apply the existing regulations which speak to the institutional style nursing facility to this specific, and drastically different model of care.

We are requesting that only one restroom be provided for both the Public and Staff in the Administration Building. The Administration Building will have only 8 employees and about 4 public people (because appointments with the potential clients are scheduled), which would mean 12 people for one restroom. The plumbing code for business, requires one toilet per 25 people and we half of that number. See attached as constructed floor plan for reference.

I have been retained by the owner to replace the original designer, and address all previously approved design elements that do not strictly conform with the various code's interpretations (the subject of this variance request).

I have attached a review letter from KGA Architecture, State Third Party Plan Reviewer, as you will see on page two of the document, reviews started on Sept. 12, 2018, and have continued



through February 2, 2021. There was never mention of the requirement for a separate Staff and Public restrooms.

I have attached the Department of Health and Human Services, 80% Inspection comments. Which identified in The Facility Guideline Institute, *Guidelines for Design and Construction of Residential Health, Care and Support Facilities*, 2014 Edition (FGI) requires one restroom for the public and one restroom for employees. Reference 80% Survey note 7.

If this requirement would have identified as not being met in the initial plan review by the third-party architect for the Department of Health and Human Services, we could have addressed the issue. But now we have no room in the building to add another restroom without taking up all the workspace for the staff. See attached two restrooms (1 Staff and 1 Public) floor plan for reference. Also attached is an estimate for the construction of the restroom, reference Bathroom No. 2, for \$28,290.00. Both the utilization of the employee break area for a restroom and the construction costs will be a hardship. Therefore, the request for variance.

Steve Sisolak  
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

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November 04, 2021

**Memorandum**

To: Jon Pennell, DVM, Chairperson  
State Board of Health

From: Lisa Sherych, Administrator  
Division of Public and Behavioral Health

RE: Villas Las Vegas Variance Request to Share the Public Lobby Toilet and the Staff Toilet

**Subject:** Case #726: Villas Las Vegas' Request for Variance to Nevada Administrative Code (NAC) 449.74543(2)(b), for the 2014 Edition of the *Guidelines for Design and Construction of Residential Health, Care, and Support Facilities*, [1] Section 3.2-4.3 Staff Toilet Room – Specific Requirements for Skilled Nursing Facilities; [2] Section 2.3-4.3.3 Staff Toilet Room – Design Elements; and [3] Section 3.2-2.3.2.2(3) Lobby Toilet Room– Specific Requirements for Skilled Nursing Facilities.

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**Staff Review**

NAC 449.74543(2)(b) states,

[....]

“2. Except as otherwise provided in this section:

(b) Any new construction, remodeling or change in use of a facility for skilled nursing 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 within the facility, including, without limitation, painting the area, replacing the flooring, repairing windows, or replacing window and wall coverings.”

NAC 449.0105 (1) (d) states,

[....]

“1. The State Board of Health hereby adopts by reference:

(d) *Guidelines for Design and Construction of Residential Health, Care, and Support 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.”

The Facility Guidelines Institute, “*Guidelines for Design and Construction of Residential Health, Care, and Support Facilities*,” the 2014 Edition.

[1] Section 3.2-4.3 Staff Toilet Room – Specific Requirements for Skilled Nursing Facilities.

“Support Areas for Staff. See Section 2.3-4.3 (Support Areas for Staff) for requirements.”

[2] Section 2.3-4.3.3 Staff Toilet Room – Common Elements for Residential Health Facilities.

“Toilet room(s) shall contain toilets with hand-washing stations for staff and shall be permitted to be unisex.”

[3] Section 3.2-2.3.2.2(3) Lobby Toilet Room – Specific Requirements for Skilled Nursing Facilities.

“If a central lobby is provided, the following requirements shall be included:

[...]

(3) Public Toilet facilities.”

[4] Glossary – “Room. A space enclosed by hard walls and having a door. Where the word “room’ or “office” is used in the *Guidelines*, a separate, enclosed space for the one named function is intended.

Otherwise, the described area may be a specific space in another room or common areas.”

Villas Las Vegas (VLV) is a multi-building construction project located in northwest Las Vegas. The campus includes six housing buildings and one building for administrative and proposed rehabilitation services. Each building is at various stages of completeness. VLV is proposing to hold two skilled nursing facility (SNF) licenses at the single location, and distinguish between the two with separate suites (Suite #101 (4 cottages / 48 beds); and Suite #102 (2 cottages / 24 beds)) and Administration Building. This variance issue is located within the Administrative Building.

This project is unique to the skilled nursing industry in Nevada. This facility’s campus was designed and constructed with the “Green House Concept (GHC)” for long term care residents in mind. The GHC is long term care model that contrasts the institutional/traditional model (I/TM) predominately used for caring for skilled nursing residents. The GHC typically is designed to be more home-like, often in cottage housing, smaller building size with fewer residents, and some resident liberties not typically found in I/TM, such as the ability to use the kitchen (with supervision), after-dinner meal service and to have pets, within all cottage residents’ tolerance. The I/TM approach is designed to capitalize on economies of scale in housing, labor, purchasing, etc. Both, The Facility Guidelines Institute, “*Guidelines for Design and Construction of Residential Health, Care, and Support Facilities*,” the 2014 Edition (FGI) and National Fire Protection Association (NFPA) 101, *Life Safety Code* (LSC) acknowledge the smaller venue concept with Table A3.2-a (in FGI) and the allowance for open kitchens, without being enclosed with walls (LSC). Generally, the Skilled Nursing Facility (SNF) codes do not make a distinction between the GHC and the I/TM skilled nursing facility design elements. The SNF codes must still be met for functional operations of a SNF, providing resident housing and necessary support spaces, and fire safety protective features (LSC also for Medicare reimbursement). The GHC model has created some design challenges for VLV when complying with the skilled nursing facility codes. The primary challenge is to have sufficient spaces for all the requirements. Another challenge is each of the multiple cottages having duplication of same service, for example, dietary kitchen in each housing units.

VLV has other pending code issues to resolve beyond this variance. The outcome to this variance request will allow VLV to make the necessary judgements concerning how to move forward with the other code issues/determinations. VLV is making this variance request to use a single toilet room to be shared between the Lobby visitors and the facility staff while on break time. The shared toilet is located within the Administrative Building.

### **Intent of the Regulation:**

The intent of the regulations is to ensure that each area, lobby and staff lounge, are served with a convenient toilet room. The toilet room requirement for both areas is for each area to have ready accessible toilets for the room serviced: (1) for visitors (family members, vendors, prospective residents, delivery service personnel, etc.) to have access a toilet room if needed with their visit; and (2) for staff taking their breaks while in the staff lounge.

**Degree of Risk to Public Health and Safety:**

Normally by having a toilet room for each area is to provide ready access for generally able bodied persons (visitors and staff members). The visitor visits are generally brief in duration and the staff members breaks are also brief, with the staff members having to return to their duty stations when their breaktime has been completed. Having either a public toilet room or a staff toilet room allows for persons to utilize the toilet room to do so readily before going about their intended business or work activity.

VLV's proposes the position of a single toilet room to be located and shared between the lobby during business hours and with the staff visiting the staff lounge for the duration of the break period while in the Administrative Building. Both the lobby visits and staff break periods are either scheduled or infrequent episodic occurrences, making the use of the shared toilet room semi-random event.

**Exceptional and Undue Hardship:**

The facility's Architect estimates to add a second toilet room to accommodate both the staff lounge and the lobby would be approximately \$28,000.00.

**Staff Recommendation**

Staff recommends that the Board of Health approve Case #726, Villas Las Vegas' request for variance to Nevada Administrative Code (NAC) 449.74543(2)(b), for the 2014 Edition of the *Guidelines for Design and Construction of Residential Health, Care, and Support Facilities*:

- [1] Section 3.2-4.3 Staff Toilet Room – Specific Requirements for Skilled Nursing Facilities;
- [2] Section 2.3-4.3.3 Staff Toilet Room – Design Elements; and
- [3] Section 3.2-2.3.2.2(3) Lobby Toilet Room– Specific Requirements for Skilled Nursing Facilities.

Staff recommends VLV to be allowed to share a common toilet room between the lobby and staff lounge located within the Administrative Building.

**Public Comments:** None

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

**Attachments:** None

BEFORE THE STATE BOARD OF HEALTH

IN THE MATTER OF)  
VILLAS OF LAS VEGAS)  
VARIANCE REQUEST: CASE #726)

The Nevada State Board of Health (“Board”), having considered the application of Villas Las Vegas for a variance and all other related documents submitted in support of the application in the above referenced matter, makes the following Findings of Fact, Conclusions of Law and Decision.

FINDINGS OF FACT

1. The Division of Public and Behavioral Health received a request from Villas Las Vegas for a variance from Nevada Administrative Code (NAC) 449.74543(2)(b).
2. NAC 449.74543(2)(b) states:

“2. Except as otherwise provided in this section: [...]

(b) Any new construction, remodeling or change in use of a facility for skilled nursing 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 within the facility, including, without limitation, painting the area, replacing the flooring, repairing windows, or replacing window and wall coverings.”

Further, NAC 449.0105(1)(d) states:

The State Board of Health hereby adopts by reference:

“1. The State Board of Health hereby adopts by reference:

(d) *Guidelines for Design and Construction of Residential Health, Care, and Support 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.”

The Facility Guidelines Institute, “*Guidelines for Design and Construction of Residential Health, Care, and Support Facilities*,” the 2014 Edition provides:

[1] Section 3.2-4.3 Staff Toilet Room – Specific Requirements for Skilled Nursing Facilities. “Support Areas for Staff. See Section 2.3-4.3 (Support Areas for Staff) for requirements.”

[2] Section 2.3-4.3.3 Staff Toilet Room – Common Elements for Residential Health Facilities. “Toilet room(s) shall contain toilets with hand-washing stations for staff and shall be permitted to be unisex.”

[3] Section 3.2-2.3.2.2(3) Lobby Toilet Room – Specific Requirements for Skilled Nursing Facilities. “If a central lobby is provided, the following requirements shall be included: (3) Public Toilet facilities.”

[4] Glossary – “Room. A space enclosed by hard walls and having a door. Where the word “room” or “office” is used in the *Guidelines*, a separate, enclosed space for the one named function is intended. Otherwise, the described area may be a specific space in another room or common areas.”

3. Villas Las Vegas is a multi-building construction project located in northwest Las Vegas.

The campus includes six housing buildings with 72 beds total (12 beds in each cottage) and one building for administrative and rehabilitation services. The cottage design makes this facility a non-traditional skilled nursing facility with limited space.

4. By granting this variance, this skilled nursing facility would be allowed to share a single toilet room within the Administrative Building for both the Lobby and Staff Lounge. A toilet room for the Lobby for visitors are generally brief in duration and the same for Staff Members’ use of the toilet room are also brief and semi-random event.



5. Compliance with the NAC 449.0105(1)(d) would cause exceptional and undue hardship for the applicant. The facility's Architect estimates to add a second toilet room to accommodate both the Staff Lounge and the Lobby would be approximately \$28,000.00.

## CONCLUSIONS OF LAW

1. This matter is properly before the Nevada State Board of Health pursuant to Nevada Revised Statutes (NRS) 439.200 and determination of the matter on the merits is properly within the subject matter jurisdiction of the board.

2. NRS 439.200 provides:

The State Board of Health may grant a variance from the requirements of a regulation if it finds that:

(a) Strict application of that regulation would result in exceptional and undue hardship to the person requesting the variance; and

(b) The variance, if granted, would not:

(1) Cause substantial detriment to the public welfare; or

(2) Impair substantially the purpose of the regulation.

3. The Board finds that strict application of the regulation would result in an exceptional and undue hardship.

4. The Board finds that granting this variance would not impair the purpose of the regulation or cause a substantial detriment to the public welfare.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, and good cause appearing, therefore, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the variance from NAC 449.74543(1)(b) is APPROVED as presented; specifically, the skilled nursing facility will be allowed to not have a toilet room for each the Lobby and the Staff Lounge, but a single toilet to be shared between these two rooms that are both found in the Administrative Building.

DATED this \_\_\_\_3rd\_\_\_\_ day of \_\_December\_\_\_\_, 2021

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Lisa Sherych, Secretary

Nevada State Board of Health

CERTIFICATE OF MAILING

I hereby certify that I am employed by the Department of Health & Human Services,  
Division of Public and Behavioral Health, and that on the \_\_\_\_\_ day of \_\_\_\_\_, 2021,  
I served the foregoing FINDINGS OF FACT AND DECISION by mailing a copy thereof to:

Villas of Las Vegas

9230 Corbett Street

Las Vegas, Nevada 89149

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