

Joe Lombardo
Governor



Richard Whitley, MS
Director

**DEPARTMENT OF
HEALTH AND HUMAN SERVICES**
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH
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Lisa Sherych
Administrator

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

NOTICE OF PUBLIC HEARING

SAINT MARY'S REGIONAL MEDICAL CENTER, 235 WEST SIXTH STREET, RENO, NV 89503, IS REQUESTING A VARIANCE, #742, FROM THE NEVADA STATE BOARD OF HEALTH REGULATIONS.

NOTICE IS HEREBY GIVEN THAT SAINT MARY'S REGIONAL MEDICAL CENTER, 235 WEST SIXTH STREET, RENO, NV 89503, has requested a variance from Nevada Administrative Code (NAC) 449.0105.1(a) "NFPA 101: Life Safety Code" and NFPA 101-2021.

A public hearing will be conducted on March 3, 2023, at 9:00 am by the Nevada State Board of Health to consider this request. This meeting will be held online and at physical locations, listed below.

Physical Locations:

Southern Nevada Health District (SNHD)
Red Rock Trail Rooms A and B
280 S. Decatur Boulevard; Las Vegas, Nevada 89107

Nevada Division of Public and Behavioral Health (DPBH)
Hearing Room No. 303, 3rd Floor
4150 Technology Way; Carson City, Nevada 89706

Meeting Link:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_MDI0M2VINDItNzU5NS00YjFhLThmMDUtMWEzOTA1NWUxODRj%40thread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%22e2f9f008-841c-437d-b037-927c30ea003e%22%7d

Please Note: If you experience technical difficulties connecting online, please call into the meeting to participate by phone.

Join by Phone:

1-775-321-6111
Phone Conference ID Number: 443 843 916#

SAINT MARY'S REGIONAL MEDICAL CENTER, 235 WEST SIXTH STREET, RENO, NV 89503, is requesting a variance from NAC 449.0105.1(a) which states:

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.

NFPA 101-2021 Section 18.2.3.4 states that corridors required for exit access in a hospital shall be not less than 8 ft in clear and unobstructed width, unless otherwise permitted by 3 conditions, one of which is exit access within a suite of rooms complying with the requirements of 18.2.5 shall be permitted.

Section 18.2.5.6.4 states that rooms within suites complying with Section 18.2.5.7 shall not be required to have an exit access door leading directly to an exit access corridor.

Section 18.2.5.7.2.2(A) requires patient care sleeping suites to have exit access to a corridor complying with 18.3.6 or to a horizontal exit, directly from the suite.

Section 18.2.5.7.2.2((C) allows patient care sleeping suites requiring two exit access doors to have one of the exit access doors from the suite be an exit stair.

The proposed design has two patient care sleeping suites, each room within these suites is served by a hallway which terminates with an exit access door leading to an 8' wide exit access corridor at one end and an exit stair at the other end. The majority of the hallways within these two suites is 8' wide, but there are projections into that width at existing concrete columns which cannot be modified which reduce the hallway width to 7'-6". There are two columns on the opposite side of the hallway from an existing exit stair where the width is 6'-11" for a distance of 1'-6" at each column. Section 7.3.4.1 sets the minimum width of exit access at 36"

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 (DPBH), 4150 TECHNOLOGY WAY, CARSON CITY, NV
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH WEBSITE:

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

Steve Sisolak
Governor



Richard Whitley, MS
Director

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Lisa Sherych
Administrator

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

December 13, 2022

Memorandum

To: Jon Pennell, Chairperson
State Board of Health

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

RE: Saint Mary's Regional Medical Center

Subject: Case #742: Saint Mary's Regional Medical Center Request for Variance to NAC 449.3154.2, *NFPA 101: Life Safety Code*, Chapter 18: Section 2.3, "Capacity of Means of Egress."

Staff Review

Nevada Administrative Code (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.(a) states,

[...]

"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.

The National Fire Protection Association (NFPA) 101, Life Safety Code (LSC), 2021 Edition, states, in relevant parts:

18.2.3 Capacity of Means of Egress

18.2.3.4* Aisles, corridors, and ramps required for exit access in a hospital shall be not less than 8 ft (2440 mm) in clear and unobstructed width, unless otherwise permitted by one of the following:

(3)* Exit access within a room or suite of rooms complying with the requirements of 18.2.5 shall be permitted.

18.2.5 Arrangement of Means of Egress

18.2.5.6.4 Rooms within suites complying with 18.2.5.7 shall not be required to have an exit access door leading directly to an exit access corridor.

18.2.5.7.2.2 Patient Care Sleeping Suite Means of Egress.

(A)* Patient care sleeping suites shall have exit access to a corridor complying with 18.3.6 or to a horizontal exit, directly from the suite.

(C)* For suites requiring two exit access doors, one of the exit access doors from the suite shall be permitted to be to one of the following:

(1) An exit stair

Saint Mary's Regional Medical Center (SMRMC) is an existing hospital, opened in 1950, located in Reno with 344 beds. The hospital will be renovating an existing area on the third floor for an Acute Rehabilitation Unit (ARU).

The facility is requesting a variance to the requirement to maintain eight (8) foot clear and unobstructed egress corridors. The facility has existing concrete columns, supporting the third floor and each floor above. The structural columns encroach on the required eight (8) foot egress.

Below are the SMRMC corridor width measurements:

- 1) Projections (columns) reduce the corridor width to 7 feet 6 inches.
- 2) Two projections (columns), on the opposite side of the corridor from an existing exit stair, reduce the egress width to 6 feet 11 inches at a width of 1.5 feet per column.

Intent of the Regulation:

The intent of the regulation is to provide hospitals with a clear and unobstructed egress pathway (corridor) for patients, on a bed or gurney, to be evacuated with staff assistance in the event of an emergency. Additionally, the eight-foot requirement allows for patient transport with staff assisting patients being transported for routine imaging and other services located on different floors or other areas located on the third floor.

Degree of risk to public health and safety:

The “standard” hospital bed size is 36 inches wide and 80 inches in length (measured from headboard to footboard). Bed sizes can be as large as 48 inches wide and 94 inches in length. A large gurney’s size is 81 inches in length by 33 inches in width. Contrasting these sizes against the facility’s reduced corridor width of 6 feet 11 inches; the bed (or gurney), with the greatest width (48 inches and 33 inches), would only allow for 1 foot and 5-inch clearance on each side of the bed. This could create difficulty for one staff member to be on each side of the bed and/or additional equipment.

The proposed design has two patient care sleeping suites, each room within these suites is served by a corridor, which terminates with an exit access door leading to an eight-foot-wide exit access corridor at one end and an exit stair at the other end. The majority of the corridor within these two suites is eight feet wide; however, there are projections into that width at existing concrete columns unable to be modified reducing the corridor hallway width to 7 feet 6 inches. There are two columns on the opposite side of the corridor, from an existing exit stair, where the width is only 6 feet 11 inches for a horizontal distance of 1 foot 6 inches at each column.

The Acute Rehabilitation Unit is staffed by licensed and trained nurses 24 hours per day. There is no risk of health imposed on patients, staff, or the public by granting this variance request.

Exceptional and undue hardship:

The Acute Rehabilitation Unit will be situated in an existing licensed bed nursing unit within the hospital. The configuration of the unit needs to be modified to accommodate the functional program for acute rehabilitation. The existing structural elements cannot be modified. The facility was constructed in 1950 where the construction standards and Code requirements were not as stringent as they are in the 2018 FGI and 2021 LSC editions. The facility would be required to completely demolish the existing structure to reconfigure the existing structural support columns in order to widen the corridors to the required eight-foot clearances.

Staff Recommendation

Staff recommends that the Board of Health approve Case #742, Saint Mary’s Regional Medical Center request for variance to NAC 449.3154.2, *NPFA 101: Life Safety Code*, Chapter 18: Section 2.3, “Capacity of Means of Egress.”

Public Comments:

None

Presenter:

Michael Kupper, Health Facilities Inspector III
Bureau of Healthcare Quality and Compliance

Attachments:

Life Safety Floor Plan

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: October 24, 2022

Name of Applicant: Chris Lemar, Director of Facilities Phone: 775.770.3299

Mailing Address: Saint Mary's Regional Medical Center, 235 West Sixth Street

City: Reno State: NV Zip: 89503

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

Title of section in question: Adoption of certain publications by reference; revision of publication after adoption.

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

01-2021 Section 18.2.3.4 states that corridors required for exit access in a hospital shall be not less than 8 ft in clear and unobstructed width, unless otherwise permitted by 3 conditions, one of which is exit access within a suite of rooms complying with requirements of 18.2.5 shall be permitted.

18.2.5.6.4 states that rooms within suites complying with Section 18.2.5.7 shall not be required to have an exit access leading directly to an exit access corridor.

18.2.5.7.2.2(A) requires patient care sleeping suites to have exit access to a corridor complying with 18.3.6 or to a local exit, directly from the suite.

18.2.5.7.2.2((C) allows patient care sleeping suites requiring two exit access doors to have one of the exit access doors be an exit stair.

The proposed design has two patient care sleeping suites, Each room within these suites is served by a hallway which terminates with an exit access door leading to an 8' wide exit access corridor at one end and an exit stair at the other end. The majority of the hallways within these two suites is 8' wide, but there are projections into that width at existing concrete columns which cannot be removed which reduce the hallway width to 7'-6". There are two columns on the opposite side of the hallway from an existing exit stair where the width is 6'-11" for a distance of 1'-6" at each column. Section 7.3.4.1 sets the minimum width of exit access at 36"

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APPLICATION FOR VARIANCE

Date of initial operation (if existing): 1950

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

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 Acute Rehabilitation Unit is situated in an existing licensed bed nursing unit within the hospital. The configuration of the unit needs to be modified to accommodate the functional program for acute rehabilitation. The existing structural elements cannot be modified. The summary of NFPA 101 Sections given on page 1 of the application demonstrates that a circulation hallway within a patient care sleeping suite is not considered to be an exit access corridor and is therefore exempt from the 8' clear and unobstructed width requirement.

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

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

The summary of NFPA 101 Sections given on page 1 of the application demonstrates that a circulation hallway within a patient care sleeping suite is not considered to be an exit access corridor and is therefore exempt from the 8' clear and unobstructed width requirement. The design is in compliance with the regulation if the Board agrees with this summary.

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
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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
- _ 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 Division of Public and Behavioral Health staff report and recommendation(s) 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 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: Christopher Lemar

Title: Director of Facilities

Date: October 23, 2022

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

APPLICATION FOR VARIANCE

**PLEASE SUBMIT YOUR APPLICATION FOR VARIANCE BY USING
ANY OF THE FOLLOWING METHODS:**

MAIL TO:

Lisa Sherych, Administrator
Division of Public and Behavioral Health
4150 Technology Way, Suite 300
Carson City, NV 89706

FAX:

775-687-7570

EMAIL:

DPBH@health.nv.gov

