

Joe Lombardo
Governor



Richard Whitley,
MS
Director



Cody Phinney,
MPH
Administrator

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

NOTICE OF PUBLIC HEARING

LAKE'S CROSSING CENTER, 500 GALLETTI WAY, SPARKS, NV 89431, IS REQUESTING A VARIANCE, #750, FROM THE NEVADA STATE BOARD OF HEALTH REGULATIONS.

NOTICE IS HEREBY GIVEN THAT LAKE'S CROSSING CENTER, 500 GALLETTI WAY, SPARKS, NV 89431, has requested a variance from Nevada Administrative Code (NAC) 449.3154.2 The Facility Guidelines Institute, *Guidelines for Design and Construction of Outpatient Facilities*, 2018 Edition.

A public hearing will be conducted on SEPTEMBER 1, 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: 196 838 95#

LAKE'S CROSSING CENTER, 500 GALLETTI WAY, SPARKS, NV 89431, is requesting a variance from NAC 449.3154.2 which states:

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

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

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:

(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.fgiguilines.org/> or by telephone at (800) 242-2626, for the price of \$200.

The Facility Guidelines Institute (FGI), *Guidelines for Design and Construction of Outpatient Facilities* (2018 Edition)

2.5-2.2.2.6 Patient toilet room

(1) Each patient shall have access to a toilet room without having to enter a corridor. Omission of this direct access requirement shall be permitted in specific patient bedrooms where the use of corridor access is part of the hospital's written clinical risk assessment and management program.

(2) One toilet room shall serve no more than two patient bedrooms and no more than four patients.

(3) The toilet room shall contain a toilet and a hand washing station.

(4) Toilet room doors

(a) Where indicated by the safety risk assessment, toilet room doors shall be equipped with keyed locks that allow staff to control access to the toilet room.

The facility is an existing psychiatric hospital, opened in 1976, located in Sparks. The facility is Nevada's only maximum-security psychiatric hospital where they receive a high acuity population often as escalated risk to themselves and/or others. The facility provides inpatient and outpatient services to individuals who have been evaluated as requiring mental health services to proceed with their adjudication.

The facility is requesting a variance to the Patient toilet room requirement within each single occupancy patient room. The facility is mitigating ligature risks through the removal of the partial (modesty) wall within the toilet area of client rooms in three out of the four wings within the facility. With the removal of said partial (modesty) wall; an improved line of sight, while still allowing clients the privacy of their own room, will be provided.

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/>

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

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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, 453A & 695C)

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

Date: 04/15/23

Name of Applicant: Lake's Crossing Center

Phone: (775) 688-6719

Mailing Address: 500 Galletti Way

City: Sparks

State: Nevada

Zip: 89431

We do hereby apply for a variance to chapter/section of the Nevada Administrative Code:

NAC 449.3154(7) specifically regarding Facility Guidelines Institute
(2018 Edition, Section 2.5.2.2.6) – psychiatric hospital
requirements regarding toilet rooms.

Title of section in Question:

Construction, remodeling, maintenance and change of use: General requirements, prerequisites to approval of licensure.

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

Lake's Crossing Center (LCC) is Nevada's only maximum-security psychiatric hospital for individuals involved in the criminal justice system. The agency provides inpatient and outpatient services to individuals who have been evaluated as requiring mental health services to proceed with their adjudication. LCC is a state-run hospital licensed for 86 beds. Being Nevada's only maximum-security psychiatric hospital, LCC receives a high acuity population often at escalated risk to themselves and/or others. There are single and double client rooms within the facility. Some client single rooms have toilet and sink areas within the room. Highest acuity clients are placed in single client rooms with a toilet and sink area. Very violent clients are placed preferably in those described rooms including those that have a food slot in the door for employees that are at high risk for assault if entering the room. Facility clinical staff consistently assess and monitor clients for threats to harm to self and others and psychiatrists place clients under specific watches/monitoring either face to face or through camera surveillance if in a client camera room. Lake's Crossing Center is mitigating ligature risks through removal of the partial (modesty) wall within the toilet area of client rooms in

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three out of the four wings within the facility. With the removal of said partial (modesty) wall, will provide an improved line of sight for safety while still allowing clients the privacy of their own room.

Date of initial operation (if existing): 1976

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:

Lake's Crossing Center receiving this variance will cause no degree of risk of health. Client health and employee safety may improve through this variance as with mitigation in ligature risk, there may be a decrease in the probability of hazard for clients at risk of harm to themselves. With the expanded in line of vision with the absence of a partial (modesty) wall that employees cannot see behind, employee safety increase in occurrences when having to enter a high acuity client's room. As mentioned in the previous statement, the inpatient population of this forensic maximum security psychiatric facility are requiring mental health services to proceed further with their adjudication. This population can be unpredictable and highly unstable. It is difficult to determine at any one time how many admitted clients will display behaviors that are

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harmful to themselves and/or others. Our goal is to provide a safe environment for all of the clients and employees within the facility. Being able to remove the partial (modesty) wall in three out of the four wings of client rooms will provide the possibility of increasing health and safety of the clients and employees.

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 most exceptional and undue hardship that could result from Lake's Crossing Center not receiving this variance would be employees not being able to complete their job effectively; unable to provide clients a safe environment while they are in their custody and that it results in a serious injury or death. The partial (modesty) walls have been determined to be a ligature and safety risk. Removal of the half walls within the client rooms that have them in three of the four client resident wings of the facility will decrease the probability of serious injury or death as when viewing through the corridor doors' vision panels, staff will have improved vision within the room and a ligature risk will be abated.

2. The variance, if granted, would not:

- A. Cause substantial detriment to public welfare.

The variance that Lake's Crossing Center is asking for will in no way restrict state aid to indigent individuals as the variance is regarding the abatement of a ligature risk and increasing client and employee safety.

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

As mentioned in previous sections, Lake's Crossing Center is a psychiatric maximum security hospital providing care for individuals involved in the criminal justice system. LCC desires to ensure that they can provide the clients within the facility a health and safe environment while in their care. Removal of the partial (modesty) wall in the toilet area of patient rooms will not change the use of the facility nor change the use of the room. Safety of the facility staff and clients will increase with the abatement of this ligature risk and improved line of sight while clients will maintain the privacy of their own room. Receiving this variance will allow LCC to create a safer living environment for these often unpredictable, violent clients.

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 (*Due to possible confidentiality/security risks, LCC can supply this document to individual BOH members as it is not for public distribution*).

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- 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.

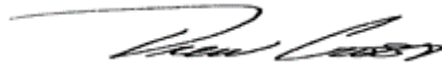
Please schedule this hearing during:

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: Drew Cross _____

Title: Interim Agency Director

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Date: 5/16/23 _____

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4150 Technology Way, Suite 300 CARSON CITY, NV 89706

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