

NORTHERN NEVADA MEDICAL CENTER, 2375 E. PRATER WAY, SPARKS, NV 89434 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, *Guidelines for Design and Construction of Outpatient Facilities* (2022 Edition)

2.5-2.5 Geriatric Patient Care Unit Where a geriatric behavioral and mental health unit is provided, it shall meet the requirements in Section 2.5-2.2 (General Behavioral and Mental Health Patient Care Unit) with the amendments in this section.

2.5-2.5.2.7 Bathing facilities. At least one accessible bathtub in a lockable room shall be provided in each geriatric patient care unit.

Northwest Specialty Hospital an Extension of Northern Nevada Medical Center, located at 6225 Sharlands Avenue, Reno, NV 89523, is a hospital for rehabilitation and behavioral health. This building was a conversion from a previously licensed Skilled Nursing Facility into a Rehabilitation and Behavioral Health Hospital. A bathtub room was constructed outside of the Geriatric Patient Care (GPC) Unit. The GPC unit contains twenty-two (22) geriatric psychiatric beds, with showers provided in each semi-private patient room. The bathtub room is located outside of controlled access doors of the GPC unit off of a shared corridor.

The facility is requesting a variance to the requirement of the accessible bathtub room not provided within the GPC unit.

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/>

Joe Lombardo
Governor



Richard Whitley, MS
Director

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



Cody Phinney, MPH
Administrator

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

February 12, 2025

Memorandum

To: Jon Pennell, Chairperson
State Board of Health

From: Cody Phinney, Administrator
Division of Public and Behavioral Health

RE: Northern Nevada Medical Center

Subject: Case #780: Northern Nevada Medical Center Request for Variance to NAC 449.3154.2, *Guidelines for Design and Construction of Hospitals*, Section 2.5-2.5.2.7 “Bathing Facilities.”

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.(c) states,

[...]

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

The Facility Guidelines Institute (FGI), *Guidelines for Design and Construction of Hospitals* (2022 Edition)

2.5-2.5 Geriatric Patient Care Unit

Where a geriatric behavioral and mental health unit is provided, it shall meet the requirements in Section 2.5-2.2 (General Behavioral and Mental Health Patient Care Unit) with the amendments in this section.

2.5-2.5.1 General

Geriatric patient care areas shall be separate and distinct from adult or patient care areas.

2.5-2.5.2 Patient Room

2.5-2.5.2.7 Bathing facilities.

At least one accessible bathtub in a lockable room shall be provided in each geriatric patient care unit.

Northern Nevada Medical Center (NNMC) purchased a building, previously licensed by the Bureau of Health Care Quality and Compliance (BHCQC) as a Skilled Nursing Facility (SNF), and renovated the building to operate as a Rehabilitation and Behavioral Health Hospital, hereinafter referred to as Northwest Specialty Hospital An Extension of Northern Nevada Medical Center (NSH). NSH was renovated to meet the construction requirements of a hospital in accordance with FGI. This project is critical to patients in the Reno/Sparks community requiring behavioral health and rehabilitation services. NSH operates twenty-four (24) hours a day, seven (7) days a week.

The 28, 465 square foot building (West Building) is divided into a Geriatric Patient Care (GPC) Unit [twenty-two (22) beds within 11 semi-private rooms] and an Adult Patient Care Unit [twenty-six (26) beds within 13 semi-private rooms]. Behavioral health patients are assessed/triaged in the intake area where patient belongings are secured. The entire Behavioral Health Unit (Geriatric and Adult Units) **have** controlled ingress and egress to provide a safe and secure environment to patients, staff, and visitors.

The facility is requesting a variance to the requirement of providing an accessible bathing facility in the Geriatric Patient Care Unit. Due to the existing conditions of the building, the central bathing facility was constructed outside of the GPC unit. This bathtub room is on the opposite side of controlled access doors, where staff would be required to exit out of the GPC unit to bathe a patient in the central bathing facility.

Intent of the Regulation:

The intent of the regulation is to provide at least one accessible bathtub room within each GPC unit. The regulation requires the bathtub room for this patient population who are unable to utilize a shower for bathing purposes. Due to the aging population, a shower chair may not be feasible for the patient to use and, therefore, would require being bathed in a tub.

Degree of risk to public health and safety:

There is a minimal degree of risk with regards to patient privacy and dignity while being escorted from the patient’s room to the bathtub room, outside of the GPC unit; and maintaining privacy and dignity while the patient is inside the bathtub room due to the room being located in a common corridor, with a dining room on the opposite side (diagonally) of the corridor.

Patient privacy is protected for patients being transported from their room to the tub room, and in the tub room when the door is open, through processes related to patient movements and activities surrounding the function of this room. The facility modified their policy to reflect specific attention to privacy, including specific reference to bathing one patient at a time in the room and only disrobing the singular patient once the patient is within the confines of the room, behind the closed door, and with a Vacant/Occupied signage hardware flipped to “Occupied.” Two staff members will be with the patient for the entire escort and bathing process.

Each semi-private room has a shower within the rooms. The showers are not required; however, this facility provides showers in all eleven (11) semi-private geriatric patient rooms. The bathtub would only be utilized in the rare instances a patient could not use the shower with or without a shower chair and/or assistance.

Exceptional and undue hardship:

NSH dealt with challenging existing conditions in preparing this hospital from the originally constructed SNF. The relocating of the bathtub room from the existing location to within the GPC unit would cost approximately \$373,415 and would take seven (7) months to complete. The relocation of this room would prevent the facility from opening and providing the needed behavioral health beds for the Reno/Sparks community.

Staff Recommendation

Staff recommends that the Board of Health approve Case #780, Northern Nevada Medical Center request for variance to NAC 449.3154.2, *Guidelines for Design and Construction of Hospitals*, 2.5-2.5.2.7 “Bathing Facilities.”

Public Comments:

None

Presenter:

Michael Kupper, Acting Health Facilities Inspection Manager
Bureau of Healthcare Quality and Compliance

Attachments:

Geriatric Patient Care Unit Bathtub Room Floor Plan



NEVADA STATE BOARD OF 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)

Office of State Epidemiology
(NAC 440,450B, 452, 453, 453A, & 695C)

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

Date: January 6, 2025

Name of Applicant: Northern Nevada Medical Center

Phone: 775-356-5651

Mailing Address: 2375 E. Prater Way

City: Sparks

State: NV

Zip: 89434

We do hereby apply for a variance to chapter/section NAC 449.3154 (2) of the Nevada Administrative Code (NAC). (For example: NAC 449.204)

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:

There is an existing tub room that is part of the behavioral health units (area).

Each patient room has a shower that is free of shower curtains as required by Guidelines

for Design and Construction (2022).



NEVADA STATE BOARD OF HEALTH
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APPLICATION FOR VARIANCE

Date of initial operation (if existing): Facility is not opened at this time. It is waiting approval from HCQC.

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/she/they suffers or will suffer economic hardship by complying with the regulation, they must submit evidence demonstrating the costs of 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 supporting your variance request.

Statement of degree of risk of
health

There is no degree of risk. The tub-room is in the behavioral health area and is a controlled area for patient safety. Patients that would be escorted to the tub-room by staff and would be required to be considered safe to use the tub-room. Each patient room has a shower without shower curtains as required by the current FGI 2022 Guidelines for Design and Construction of Hospitals.



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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 moving of the tub-room would cause an exceptional and undue hardship from the strict application of the Regulations, The move of the tub-room would cost approximately \$373,415 and take 7 months to complete (1 month design, 2 months permitting, 4 months construction). The move would prevent the facility from opening and providing the needed behavioral health beds for the community. This estimate is included as the last page of this document (Exhibit G).

2. The variance, if granted, would not:

A. Cause substantial detriment to the public welfare.

If variance is granted, it would not cause a substantial detriment to the public welfare. Each room has a shower and the tub-room is located in the behavioral health area that always under the control of staff. Per 2.5-1.4 Shared Services:...or where a different behavioral and mental health patients share the same facility, shared ancillary and clinical services shall be permitted when the spaces ...are located and configured to accommodate programmatic requirements

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

The granting of the variance would not impair substantially the purpose of the regulation from which the application seeks a variance. Showers are not required but this facility provides showers in each room. The tub-room is only there in the rare instance that a patient could not use the shower with or without a shower chair and/or assistance. The tub-room is in the behavioral health area and is under staff controlled doors via card readers.

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

Specific Request:

To leave the tub-room in the behavioral health unit.



NEVADA STATE BOARD OF HEALTH
4150 Technology Way, Suite 300 CARSON CITY, NV 89706

APPLICATION FOR VARIANCE

- 1. Legal description of property concerned
- _ 2. General area identification map
- _ 3. Plot 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.

I am/we are requesting this variance request be placed on the next regularly scheduled Board of Health agenda. It is understood that I/we can attend in person at either physical location in Carson City or Las Vegas or we may attend virtual.

Signature: Christopher Cordero

Printed Name: Christopher Cordero

Title: Associate Administrator

Date: 1/6/25

Digitally signed by Christopher Cordero
 DN: cn=Christopher Cordero, gm=Christopher Cordero, c=US, United States
 e=US United States_enchristopher.cordero@uhhsinc.com
 Reason: I am the author of this document
 Location:
 Date: 2025-01-06 16:49:08.00

Exhibit G



1-3-2025

Re: Northwest Specialty Hospital
6225 Sharlands Ave
Reno, NV 89523

Statement of Deficiencies

Item # 2 (Tub Room)

To Whom It May Concern:

The financial impact of relocating the tub room will cost Three Hundred Seventy Three Thousand, Four Hundred Fifteen Dollars. \$373,415. The time impact to complete this work is 1 month design, 2 months permitting and 4 months construction for a total timeline of 7 months.

Regards

Bret Loughridge

Bret Loughridge

President SR Construction