

## GENERAL PROVISIONS

**NAC 449.002 Definitions.** ([NRS 449.037](#), [449.249](#)) As used in this chapter, unless the context otherwise requires, the words and terms defined in [NAC 449.0022](#) to [449.0074](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Bd. of Health, eff. 8-1-91; A by R131-99 & R132-99, 11-29-99; R051-02, 7-24-2002)

**NAC 449.0022 “Administrator” defined.** ([NRS 449.037](#)) “Administrator” means the person responsible for the day-to-day management of a facility.

(Added to NAC by Bd. of Health, eff. 8-1-91)

**NAC 449.0024 “Affiliated facility” defined.** ([NRS 449.037](#)) “Affiliated facility” means a facility that owns, directly or indirectly, an equity interest of 5 percent or more in the capital, the stock, the profits or the assets of another facility or is, as a subcontractor, agent or otherwise, responsible for the management or control of that facility.

(Added to NAC by Bd. of Health, eff. 8-1-91)

**NAC 449.0026 “Agent” defined.** ([NRS 449.037](#)) “Agent” means a person having actual or apparent authority to act on behalf of a licensee.

(Added to NAC by Bd. of Health, eff. 8-1-91)

**NAC 449.0028 “Bureau” defined.** ([NRS 449.037](#)) “Bureau” means the Bureau of Licensure and Certification of the Health Division.

(Added to NAC by Bd. of Health, eff. 8-1-91)

**NAC 449.0029 “Centers for Medicare and Medicaid Services” defined.** ([NRS 449.037](#)) “Centers for Medicare and Medicaid Services” means the Centers for Medicare and Medicaid Services of the Department of Health and Human Services.

(Added to NAC by Bd. of Health by R051-02, eff. 7-24-2002)

**NAC 449.003 “Deficiency” defined.** ([NRS 449.037](#))

1. “Deficiency” means noncompliance with any federal or state statute or of the rules or regulations of the Health Division or the Centers for Medicare and Medicaid Services or conditions and standards of or requirements for participation in the Medicare or Medicaid program pertaining to a facility.

2. The term includes an incident concerning a facility where there are no extenuating circumstances or where the facility has made an inappropriate response to a complaint, including the failure to:

- (a) Prevent an incident from occurring, if the incident could have been avoided;
- (b) Identify an incident;
- (c) Take action to correct an incident before the identification of the incident by the Bureau;

or

(d) Implement a contingency plan if permanent action to correct an incident has not been undertaken.

3. In determining whether an incident is a deficiency, the right of the recipient to refuse treatment, where applicable, shall be deemed an extenuating circumstance.

(Added to NAC by Bd. of Health, eff. 8-1-91; A by R051-02, 7-24-2002)

**NAC 449.0032 “Emergency” defined.** ([NRS 449.037](#)) “Emergency” means a major deficiency that places one or more recipients in immediate jeopardy. The term includes, without limitation, any fire, flood, contagious infection, loss of utilities or inappropriate transfer of residents.

(Added to NAC by Bd. of Health, eff. 8-1-91)

**NAC 449.0034 “Facility” defined.** ([NRS 449.037](#), [449.249](#)) “Facility” means a medical facility, facility for the dependent, home for individual residential care or referral agency.

(Added to NAC by Bd. of Health, eff. 8-1-91; A by R131-99 & R132-99, 11-29-99)

**NAC 449.0038 “Health Division” defined.** ([NRS 449.037](#)) “Health Division” means the Health Division of the Department of Human Resources.

(Added to NAC by Bd. of Health, eff. 8-1-91)

**NAC 449.0042 “Holiday” defined.** ([NRS 449.037](#)) “Holiday” means a day on which the offices of State Government are closed.

(Added to NAC by Bd. of Health, eff. 8-1-91)

**NAC 449.0043 “Home for individual residential care” defined.** ([NRS 449.249](#)) “Home for individual residential care” has the meaning ascribed to it in [NRS 449.0105](#).

(Added to NAC by Bd. of Health by R131-99, eff. 11-29-99)

**NAC 449.0044 “Immediate and serious threat” and “immediate jeopardy” defined.** ([NRS 449.037](#)) “Immediate and serious threat” or “immediate jeopardy” means a situation in which corrective action within 48 hours is necessary because the failure by a facility to comply with a requirement for licensure, certification or participation in Medicare or Medicaid has caused, or if uncorrected is likely to cause, serious injury or harm, or even death, to a recipient.

(Added to NAC by Bd. of Health, eff. 8-1-91)

**NAC 449.0046 “Incident” defined.** ([NRS 449.037](#)) “Incident” means an action, practice or situation that appears to be inconsistent with a federal or state statute, rule or regulation of the Health Division or the Centers for Medicare and Medicaid Services or conditions and standards of or requirement for participation in Medicare or Medicaid.

(Added to NAC by Bd. of Health, eff. 8-1-91; A by R051-02, 7-24-2002)

**NAC 449.0048 “License” defined.** ([NRS 449.037](#)) “License” means all or part of any permit, certificate, approval, registration, charter or similar grant of permission to operate issued to a facility by the Health Division.

(Added to NAC by Bd. of Health, eff. 8-1-91)

**NAC 449.005 “Licensee” defined.** ([NRS 449.037](#)) “Licensee” means any person, corporation, partnership, voluntary association or other public or private entity, including any governmental body, licensed to operate a facility.

(Added to NAC by Bd. of Health, eff. 8-1-91)

**NAC 449.0052 “Medicaid” defined.** ([NRS 449.037](#)) “Medicaid” means the program established pursuant to Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to provide assistance for part or all of the cost of medical care rendered on behalf of indigent persons.

(Added to NAC by Bd. of Health, eff. 8-1-91)

**NAC 449.0054 “Medicare” defined.** ([NRS 449.037](#)) “Medicare” means the program of health insurance for aged and disabled persons established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

(Added to NAC by Bd. of Health, eff. 8-1-91)

**NAC 449.0056 “Party” defined.** ([NRS 449.037](#)) “Party” means each person or agency as defined in [NRS 233B.035](#).

(Added to NAC by Bd. of Health, eff. 8-1-91)

**NAC 449.0058 “Person” defined.** ([NRS 449.037](#)) “Person” means a natural person, trust, estate, partnership, corporation, professional association, governmental body or any other entity, public or private.

(Added to NAC by Bd. of Health, eff. 8-1-91)

**NAC 449.006 “Recipient” defined.** ([NRS 449.037](#)) “Recipient” means a person receiving care, services or treatment from a facility.

(Added to NAC by Bd. of Health, eff. 8-1-91)

**NAC 449.0061 “Referral agency” defined.** ([NRS 449.0305](#), [449.037](#)) “Referral agency” means a business that provides referrals to residential facilities for groups which is subject to regulation pursuant to [NRS 449.0305](#), including, without limitation, any business entity that engages in the process of referring clients for compensation to residential facilities for groups.

(Added to NAC by Bd. of Health by R132-99, eff. 11-29-99)

**NAC 449.0062 “Resident” defined.** ([NRS 449.037](#)) “Resident” means a person who resides in a residential facility.

(Added to NAC by Bd. of Health, eff. 8-1-91)

**NAC 449.0064 “Residential facility” defined.** ([NRS 449.037](#)) “Residential facility” means a facility operated 24 hours per day in which one or more persons receiving care, treatment or services ordinarily remain for 24 hours a day.

(Added to NAC by Bd. of Health, eff. 8-1-91)

**NAC 449.0066 “Sanction” defined.** ([NRS 449.037](#)) “Sanction” means a corrective measure or penalty that is imposed by the Bureau upon a facility.

(Added to NAC by Bd. of Health, eff. 8-1-91)

**NAC 449.0068 “Services” defined.** ([NRS 449.037](#)) “Services” means medical or personal care, including necessary preparation of food, laundry and housekeeping in the case of a residential facility and items such as medical diagnosis and treatment, drugs and biologicals, supplies, appliances, equipment, medical-social services and use of a facility.

(Added to NAC by Bd. of Health, eff. 8-1-91)

**NAC 449.007 “Survey” defined. (NRS 449.037)**

1. “Survey” means a regularly scheduled inspection of a facility conducted by employees of the Bureau to verify the facility’s compliance with the regulations of the Health Division, the Centers for Medicare and Medicaid Services, eligibility for participation in the Medicare or Medicaid programs and eligibility for licensure.

2. The term includes a follow-up inspection to recertify a facility or evaluate compliance with a plan of correction or an inspection made in response to a complaint.

(Added to NAC by Bd. of Health, eff. 8-1-91; A by R051-02, 7-24-2002)

**NAC 449.0072 “Treatment” defined. (NRS 449.037)** “Treatment” means any medication, drug, test or procedure conducted or administered to diagnose or remedy a physical or mental illness or condition.

(Added to NAC by Bd. of Health, eff. 8-1-91)

**NAC 449.0074 “Welfare Division” defined. (NRS 449.037)** “Welfare Division” means the Welfare Division of the Department of Human Resources.

(Added to NAC by Bd. of Health, eff. 8-1-91)

**NAC 449.008 Computation of time. (NRS 449.037)** For the purposes of any computation of time required by this chapter:

1. Any prescribed period of more than 5 days includes Saturdays, Sundays and holidays.
2. Any prescribed period of 5 days or less does not include Saturdays, Sundays or holidays.
3. If the date on which any action required to be performed falls on a Saturday, Sunday or holiday, the time is extended until the next day that is not a Saturday, Sunday or holiday.
4. The day of any act or event or on which notice is received is not included in the computation.

(Added to NAC by Bd. of Health, eff. 8-1-91)

**NAC 449.010 Severability. (NRS 449.037)** If any of the provisions of this chapter or any application thereof to any person, thing or circumstance is held invalid, it is intended that such invalidity not affect the remaining provisions, or their application, that can be given effect without the invalid provision or application.

[Bd. of Health, Alcohol and Drug Abuse Treatment Facilities Art. 17, eff. 3-27-76]

**NAC 449.0105 Adoption of certain publications by reference; revision of publication after adoption. (NRS 449.037)**

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 \$55.80 for members or \$62 for nonmembers, plus \$7.95 for shipping and handling.

(b) *NFPA 99: Standard for Health Care Facilities*, 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 \$41.63 for members or \$46.25 for nonmembers, plus \$7.95 for shipping and handling.

(c) *Guidelines for Design and Construction of Hospital and Health Care Facilities*, in the form most recently published by the American Institute of Architects, 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 American Institute of Architects at the AIA Store, 1735 New York Avenue, NW, Washington, DC 20006-5292, at the Internet address <<http://www.aia.org>> or by telephone at (800) 242-3837, for the price of \$52.50 for members or \$75 for nonmembers, plus \$9 for shipping and handling.

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 6 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)

#### GENERAL REQUIREMENTS FOR LICENSURE

**NAC 449.011 Application for license.** ([NRS 449.037](#), [449.040](#)) An application for a license that is filed with the Health Division pursuant to [NRS 449.040](#):

1. Must be complete and notarized.
2. In accordance with [NRS 449.050](#), must be accompanied by the appropriate application fee specified in this chapter.
3. In establishing that the applicant is of reputable and responsible character as required by [NRS 449.040](#), must include personal references and information concerning the applicant's financial status and business activities and associations in and out of this State during the immediately preceding 3-year period. If the applicant is a firm, association, organization, partnership, business trust, corporation or company, such references and information must be provided with respect to the members thereof and the person in charge of the facility or program for which application is made.
4. In addition to the information required by [NRS 449.040](#) and any other information specifically required for a particular license, must include:
  - (a) Full, complete and accurate information regarding the ownership of the facility or program and all changes to that ownership that occur while the application is pending. The information must include the name of:
    - (1) Each natural person who is an owner of the facility or program;
    - (2) Each person who has a direct or indirect ownership interest in the facility or program of 10 percent or more and who is the owner, in whole or in part, of any mortgage, deed of trust, note or other obligation secured in whole or in part by the facility or program or any of the property or assets of the facility or program;
    - (3) If the applicant is a corporation, each officer and director; and
    - (4) If the applicant is a partnership, each partner.
  - (b) The address of the applicant's principal office.