GENERAL REQUIREMENTS FOR LICENSURE

NAC 449.011 Application for license...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. …

NAC 449.0114 Display of license; compliance with law; transfer of real property; change in administrator, ownership, location or services. (NRS 449.037, 449.050)
1. Upon receipt of a license, the licensee shall display the license at a conspicuous location within the facility.
2. During the term of the license, the licensee shall continuously maintain the facility in conformance with the provisions of this chapter and chapter 449 of NRS.
3. If there is a transfer of the real property on which the facility is located, but no change in the operator of the facility, the licensee shall, within 10 days, notify the Health Division of the transfer in writing and provide the Health Division with a copy of any lease agreement relating to the transfer.
4. If there is a change in the administrator of the facility, the licensee shall notify the Health Division of the change within 10 days. The notification must provide evidence that the new administrator is currently licensed pursuant to chapter 654 of NRS and the regulations adopted pursuant thereto. If the licensee fails to notify the Health Division and submit an application for a new license within 10 days after the change, the licensee shall pay to the Health Division a fee in an amount equal to 150 percent of the fee required for a new application set forth in subsection 1 of NAC 449.0168.
5. A licensee shall notify the Health Division immediately of any change in the ownership of, the location of, or the services provided at, the facility.

Licensing and Administration of Facility
NAC 449.74413 Change in ownership, use or construction of facility. (NRS 449.037)
1. The owner of a facility for skilled nursing shall, at least 30 days before there is a change of ownership, change of use or change in the construction of the facility, notify the Bureau of that change. If the facility is not in compliance with the Guidelines for Design and Construction of Hospital and Health Care Facilities adopted by reference pursuant to NAC
the notice must identify those provisions of the guidelines with which the facility has failed to comply.

NAC 449.74415 Responsibilities of governing body. (NRS 449.037) A facility for skilled nursing must have a governing body that is legally responsible for establishing and carrying out policies regarding the management and operation of the facility.

NAC 449.74417 Administrator of facility. (NRS 449.037)
1. The governing body of a facility for skilled nursing shall appoint a qualified administrator for the facility.
2. The administrator:
(a) Must be licensed under the provisions of chapter 654 of NRS; and
(b) Is responsible for the management of the facility.
3. A facility for skilled nursing must be administered in a manner that enables it to use its resources effectively and efficiently in order to attain and maintain the highest practicable physical, mental and psychosocial well-being of each patient.

NAC 449.74419 Committee for quality assurance. (NRS 449.037)
A facility for skilled nursing shall establish a committee for quality assurance. The committee must be composed of:
(a) The chief administrative nurse;
(b) A member of the staff who is a physician and appointed by the administrator; and
(c) At least three other members of the staff who are appointed by the administrator.
3. The committee shall:
(a) Meet at least quarterly to identify problems and concerns related to the care provided to patients for which corrective actions are necessary; and
(b) Adopt and carry out appropriate plans of action to correct the problems and concerns that are identified.
4. The Bureau may not require the disclosure of the records of the committee unless such disclosure is required to ensure compliance with the provisions of this section.
5. Good faith efforts made by a committee to identify problems and concerns related to the care provided to patients and to correct the problems and concerns that are identified may not be used as grounds for imposing administrative sanctions against a facility for skilled nursing.

NAC 449.74421 Procedures for emergency or disaster. (NRS 449.037)
1. A facility for skilled nursing shall adopt written procedures to be followed by the members of the staff and patients in the case of an emergency or disaster, including, without limitation, fires, severe weather and locating missing patients.
2. The facility shall provide training to an employee regarding these procedures upon his employment by the facility and periodically review the procedures with members of the staff.
3. The facility shall periodically conduct unannounced drills to practice carrying out the procedures adopted pursuant to subsection 1.

NAC 449.74427 Agreement with hospital for transfer of patients. (NRS 449.037)
1. A facility for skilled nursing shall have in effect an agreement with at least one licensed hospital that provides for the transfer of patients from the facility to the hospital. The agreement must provide that:
   (a) A patient transferred from the facility will be admitted to the hospital in a timely manner if the transfer is medically appropriate as determined by the patient’s attending physician; and
   (b) Medical and other information required for the care and treatment of the patient is transferred with the patient. Such information may include information for determining whether the patient may be cared for adequately in a setting that is less expensive than the facility or the hospital.
2. A facility for skilled nursing that does not have such an agreement in effect but has attempted in good faith to enter into such an agreement with a hospital sufficiently close to the facility to make transfers feasible shall be deemed to have such an agreement.

Medical Records
NAC 449.74441 Maintenance. (NRS 449.037)
1. A facility for skilled nursing shall maintain medical records for each patient in the facility in accordance with accepted professional principles.
2. A medical record must be:
   (a) Complete;
   (b) Accurate;
   (c) Organized; and
   (d) Readily accessible to those persons who are authorized to review the records.
3. A medical record must include:
   (a) Sufficient information to identify the patient;
   (b) A record of the assessments of the patient conducted pursuant to NAC 449.74433 and 449.74435;
   (c) The patient’s plan of care and the services provided to the patient;
   (d) The results of any assessment of the patient conducted by a state agency before his admission to the facility; and
   (e) Periodic progress notes prepared by appropriate members of the staff.
4. A facility for skilled nursing shall maintain the medical records of a patient:
   (a) For at least 5 years after the discharge of the patient, unless state law requires otherwise; and
   (b) For at least 3 years after the patient reaches 18 years of age if the patient is a minor.
5. A facility for skilled nursing shall ensure that:
   (a) Information contained in a medical record is not lost, destroyed or used in an unauthorized manner.
   (b) No person willfully and knowingly falsifies or causes another person to falsify information contained in a medical record.
6. Information contained in a medical record is confidential and must not be released without the written consent of the patient except:
   (a) As required by law;
   (b) Under a contract involving a third-party payor; or
   (c) As required upon the transfer of the patient to another medical facility.

NAC 449.74455 Discrimination prohibited. (NRS 449.037)
1. A patient in a facility for skilled nursing shall not be segregated or restricted in the enjoyment of an advantage or privilege enjoyed by other patients, or provided with any assistance, service or other benefit which is different or provided in a different manner from that provided to other patients, on the ground of race, color, religion, national origin or disability.

NAC 449.74491 Prohibition of certain practices regarding patients; investigation of certain violations and injuries to patients; unfit employees. (NRS 449.037)

1. A facility for skilled nursing shall adopt and carry out written policies and procedures that prohibit:
   (a) The mistreatment and neglect of the patients in the facility;
   (b) The verbal, sexual, physical and mental abuse of the patients in the facility;
   (c) Corporal punishment and involuntary seclusion; and
   (d) The misappropriation of the property of the patients in the facility.

2. A facility for skilled nursing shall adopt procedures which ensure that all alleged violations of the policies adopted pursuant to subsection 1 and injuries to patients of unknown origin are reported immediately to the administrator of the facility, to the Bureau and to other officials in accordance with state law, and are thoroughly investigated. The procedures must ensure that further violations are prevented while the investigation is being conducted.

3. The results of any investigation must be reported:
   (a) To the administrator of the facility or his designated representative and to the Bureau within 5 working days after the alleged violation is reported.
   (b) In the manner prescribed in NRS 200.5093 and 432B.220 and chapter 433 of NRS. The administrator of the facility shall take appropriate action to correct any violation.

4. A facility for skilled nursing:
   (a) Shall not employ a person if:
      (1) He has been convicted of abusing, neglecting or mistreating a patient; or
      (2) A finding that he has abused, neglected, mistreated or misappropriated the property of a patient has been entered in the state nursing assistants registry maintained by the State Board of Nursing.
   (b) Shall report to the State Board of Nursing, the Bureau or another appropriate occupational licensing board any judicial action taken against an employee or former employee of the facility which would indicate that the employee is unfit to be employed as a member of the staff of a facility for skilled nursing.

NAC 449.74511 Personnel policies; personnel records. (NRS 449.037)

1. A facility for skilled nursing shall adopt written policies for the personnel employed at the facility.

2. The written policies must:
   (a) Include the duties and responsibilities of, and the qualifications required for, each position at the facility;
   (b) Include the conditions of employment for each position at the facility;
   (c) Include the policies and objectives of the facility related to training while on the job and requirements for continuing education; and
   (d) Be periodically reviewed and made available to each employee of the facility.
3. A current and accurate personnel record for each employee of the facility must be maintained at the facility. The record must include, without limitation:
(a) Evidence that the employee has obtained any license, certificate or registration, and possesses the experience and qualifications, required for the position held by the employee;
(b) Such health records as are required by chapter 441A of NAC which include evidence that the employee has had a skin test for tuberculosis in accordance with NAC 441A.375; and
(c) Documentation that the facility has not received any information that the employee has been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 449.188.
4. A facility shall make its personnel records available to the Bureau for inspection upon request. (Added to NAC by Bd. of Health by R051-99, eff. 9-27-99)

NAC 449.74513 Medical director. (NRS 449.037)
1. A facility for skilled nursing shall employ a medical director who is licensed to practice medicine in this State.
2. The medical director shall:
(a) Carry out the policies of the facility related to the medical care of its patients; and
(b) Coordinate the medical care provided by the facility. (Added to NAC by Bd. of Health by R051-99, eff. 9-27-99)

NAC 449.74517 Nursing staff. (NRS 449.037)
2. A facility for skilled nursing shall employ a full-time registered nurse to act as the chief administrative nurse.

NAC 449.74519 Nursing assistants and nursing assistant trainees. (NRS 449.037)
1. A facility for skilled nursing shall not employ a person as a nursing assistant trainee, full time, temporarily or under contract:
(a) Until the facility obtains from the training program required for certification as a nursing assistant in which the person is enrolled, verification that the person has completed 16 hours of instruction in the classroom or is awaiting the results of a certification examination.
(b) For more than 4 months.
2. A facility for skilled nursing shall ensure that each nursing assistant employed by the facility is able to demonstrate competency in skills and techniques that are necessary to care for the patients in the facility in accordance with each patient’s plan of care.
3. A performance review must be completed for each nursing assistant employed by a facility for skilled nursing at least annually. Based on the results of the review, a facility shall provide training to a nursing assistant to ensure his competency. The training must:
(a) Comply with any requirements for training adopted by the State Board of Nursing pursuant to chapter 632 of NRS;
(b) Be at least 12 hours per year;
(c) Address any areas of weakness indicated in the review and may address the special needs of the patients in the facility as determined by the personnel of the facility; and
(d) If the nursing assistant provides services to patients with cognitive impairments, address the care of such patients.
4. A facility for skilled nursing shall not employ a nursing assistant if, for a period of 24 consecutive months after his completion of the training program required for certification as a nursing assistant, he has not provided nursing services or services related to nursing for monetary compensation.

5. As used in this section:
(a) “Nursing assistant” has the meaning ascribed to it in NRS 632.0166.
(b) “Nursing assistant trainee” has the meaning ascribed to it in NRS 632.0168.

NAC 449.74521 Other health care professionals. (NRS 449.037)
A facility for skilled nursing shall employ full time, part time or as consultants such health care professionals as are necessary to provide adequate care for each patient in the facility and to carry out the provisions of NAC 449.744 to 449.74549, inclusive.
A health care professional employed by a facility for skilled nursing shall comply with accepted professional standards applicable to the services provided by the health care professional.
If a facility for skilled nursing does not employ a person to furnish a service required by the facility, the facility shall obtain that service from a qualified outside source. An agreement for obtaining such services must specify, in writing, that the facility assumes responsibility for:

(a) Obtaining services that comply with accepted professional standards applicable to the services being obtained; and
(b) The timely delivery of such services.

NAC 449.74522 Employees of facility which provides care to persons with dementia. (NRS 449.0357, 449.037)
1. Except as otherwise provided in subsection 4, each person who is employed by a facility for skilled nursing which provides care to persons with any form of dementia, including, without limitation, dementia caused by Alzheimer’s disease, who has direct contact with and provides care to persons with any form of dementia and who is licensed or certified by an occupational licensing board must complete the following number of hours of continuing education specifically related to dementia:
(a) In his first year of employment with a facility for skilled nursing, 8 hours which must be completed within the first 30 days after the employee begins employment; and
(b) For every year after the first year of employment, 3 hours which must be completed on or before the anniversary date of the first day of employment.
2. The hours of continuing education required to be completed pursuant to this section:
(a) Must be approved by the occupational licensing board which licensed or certified the person completing the continuing education; and
(b) May be used to satisfy any continuing education requirements of an occupational licensing board and do not constitute additional hours or units of required continuing education.

1. Each facility for skilled nursing shall maintain proof of completion of the hours of continuing education required pursuant to this section in the personnel file of each employee of the facility who is required to complete continuing education pursuant to this section.