

NEVADA

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Rights of Patients

NAC 449.74445 Generally. (NRS 449.037)

1. A facility for skilled nursing shall protect and promote the rights of each patient in the facility.
2. In addition to the rights set forth in NRS 449.710 and 449.720, a patient in a skilled nursing facility has the right to:
 - (a) Receive care in a manner and environment that maintains and enhances each patient's dignity with respect to each patient's individuality.
 - (b) Exercise his rights without the threat of interference, coercion, discrimination or reprisal.
 - (c) Choose his attending physician.
 - (d) Be fully informed, in a language that the patient understands, of his total health status, including, without limitation, his medical condition.
 - (e) Participate in decisions relating to his health care, unless he is unable to do so because he is incompetent or incapacitated.
 - (f) Receive services with reasonable accommodation for his individual needs and preferences, unless the health or safety of the patient or other patients would be endangered.
 - (g) Privacy in relation to his accommodations, personal care, written and oral communications and meetings with other persons. The provisions of this paragraph do not require a facility for skilled nursing to provide a private room to each patient.
 - (h) File grievances with the facility without the threat of discrimination or reprisal and to the prompt resolution of those grievances. Such grievances include, without limitation, complaints relating to treatment that has been furnished or not furnished and the behavior of other patients.
 - (i) Use a telephone where calls can be made without being overheard.
 - (j) Retain and use personal possessions as space allows, including, without limitation, furniture and clothing, unless to do so would infringe upon the rights or threaten the health and safety of other patients.
 - (k) Share a room with his or her spouse if both spouses reside in the facility and consent to the arrangement.

(l) Manage his financial affairs. (Added to NAC by Bd. of Health by R051-99, eff. 9-27-99)

NAC 449.74447 Communications with other persons; examination of records by advocate. (NRS 449.037)

1. A facility for skilled nursing shall not prohibit a patient in the facility from contacting, receiving information from or speaking to:

(a) A representative of the Bureau.

(b) The patient's physician.

(c) Any person who advocates for the rights of the patients of the facility, including, without limitation:

(1) Advocates for residents of facilities for long-term care appointed pursuant to chapter 427A of NRS; and

(2) Persons who advocate for and are responsible for the protection of persons with developmental disabilities or who are mentally ill.

(d) Any person who provides health care, social, legal or other services to the patient.

(e) The relatives of the patient.

(f) Any other persons with whom the patient wishes to visit.

1. The provisions of this section do not prohibit a facility for skilled nursing from adopting reasonable restrictions relating to the visitation of patients.

2. A facility for skilled nursing shall not prohibit an advocate for residents of facilities for long-term care appointed pursuant to chapter 427A of NRS from examining the medical records of a patient of the facility in accordance with state law and with the permission of the patient or the patient's legal representative.

(Added to NAC by Bd. of Health by R051-99, eff. 9-27-99)

NAC 449.74449 Notice to patients of rights, services and charges. (NRS 449.037)

1. A facility for skilled nursing shall give notice to each patient admitted to the facility of:

(a) His rights as a patient and of the policies of the facility relating to the conduct and responsibilities of patients in the facility; and

(b) The services available at the facility and the charges for those services, including, without limitation, charges for services that are not covered by the facility's per diem rate.

2. The notice required by subsection 1 must be given:

(a) Orally and in writing;

(b) In a language that the patient understands; and

(c) Before or upon admission of the patient to the facility and periodically during the patient's stay at the facility.

3. The written notice of the patient's rights must include, without limitation:

(a) A summary of the provisions of NAC 449.74461 and 449.74463;

(b) The names, addresses and telephone numbers of:

(1) The Bureau;

(2) Advocates for residents of facilities for long-term care appointed pursuant to chapter 427A of NRS;

(3) The Medicaid Fraud Control Unit within the Office of the Attorney General; and

(4) Any other persons who advocate for the rights of patients in the facility; and

(c) A statement that the patient may file a complaint with the Bureau concerning the abuse or neglect of any patient or the misappropriation of any patient's money.

4. The patient must acknowledge in writing the receipt of each notice provided. (Added to NAC by Bd. of Health by R051-99, eff. 9-27-99)

NAC 449.74451 Charges to be consistent with notice of charges. (NRS 449.037) Any amount charged for services provided by a facility for skilled nursing must be consistent with the notice of charges provided by the facility pursuant to NAC 449.74449.

(Added to NAC by Bd. of Health by R051-99, eff. 9-27-99)

NAC 449.74453 Notice to patients of programs available for assistance in payment of services. (NRS 449.037) A facility for skilled nursing shall:

1. Provide to applicants for admission to the facility and to the patients in the facility oral and written information concerning state and federal programs that are available to assist patients in the payment of services provided by the facility, including, without limitation, Medicaid and Medicare; and

2. Display in a prominent place within the facility the written information provided pursuant to subsection 1. (Added to NAC by Bd. of Health by R051-99, eff. 9-27-99)

NAC 449.74457 Policies and procedures for advance directives by patient; information to be furnished regarding physicians. (NRS 449.037)

1. A facility for skilled nursing shall adopt written policies and procedures authorizing the patients in the facility to establish advance directives for their treatment.
2. The policies and procedures must require that written information be given to adult patients concerning their right to accept or refuse treatment and to establish advance directives for their treatment.
3. A facility for skilled nursing shall inform each patient in the facility of the name and specialty of the physician responsible for his care and the manner in which the physician may be contacted.

(Added to NAC by Bd. of Health by R051-99, eff. 9-27-99)

NAC 449.74459 Examination by patient of survey of facility and plan of correction. (NRS 449.037)

1. A patient of a facility for skilled nursing may examine the results of the most recent survey of the facility conducted by the Bureau or a federal regulatory agency and any plan of correction required to be carried out by the facility as a result of the survey.

2. A facility for skilled nursing shall:

(a) Make such surveys and plans of correction available for examination at a place that is readily accessible to the patients of the facility; and

(b) Post in a prominent location within the facility a notice of the places where the surveys and plans of correction are available for examination. (Added to NAC by Bd. of Health by R051-99, eff. 9-27-99)

NAC 449.74461 Finances of patient: System for maintenance and accounting. (NRS 449.037)

1. A facility for skilled nursing:

(a) Shall not require a patient to deposit any amount of money with the facility to be held by the facility on behalf of the patient.

(b) Shall hold, safeguard, manage and account for money deposited with the facility on behalf of a patient if requested to do so in writing by the patient, in accordance with the provisions of this section and NAC 449.74463.

2. If money held by a facility for skilled nursing on behalf of a patient is greater than \$50, the money must be maintained in a financial institution in an account that:

(a) Bears interest;

(b) Is separate from the facility's operating accounts; and

(c) Credits all interest earned on the money in the account to the account.

3. If money held by a facility for skilled nursing on behalf of a patient is not more than \$50, the money must be maintained in:

- (a) A financial institution in an account that bears interest;
- (b) A financial institution in an account that does not bear interest; or
- (c) A petty cash fund.

4. A facility for skilled nursing shall establish and maintain a system that provides a complete and separate accounting of the money held by the facility on behalf of a patient that is prepared according to generally accepted principles of accounting. The system must prohibit the commingling of the patient's money with the facility's money or the money of any person other than another patient. An accounting must be made available to the patient on a quarterly basis and upon the request of the patient or his legal representative.

5. A facility for skilled nursing shall obtain a surety bond or provide to the Bureau other assurances that are satisfactory to the Bureau to ensure the security of all money held by the facility on behalf of its patients.

6. A facility for skilled nursing shall, within 30 days after the death of a patient who has deposited money with the facility to hold on his behalf, deliver the money and a final accounting to the proper court or person administering the patient's estate.

(Added to NAC by Bd. of Health by R051-99, eff. 9-27-99)

NAC 449.74463 Finances of patient: Authorization to withhold money. (NRS 449.037)

1. A facility for skilled nursing shall not withhold from money held by the facility on behalf of a patient any amount for:

- (a) Services related to the maintenance of the patient's room or bed;
- (b) Supplies and services for routine personal hygiene that are required by the patient, including, without limitation:
 - (1) Shampoo, a comb and a brush;
 - (2) Bath soap, disinfecting soap or specialized cleansing agents required to treat the medical condition of the patient or to treat infection;
 - (3) A razor and shaving cream;
 - (4) A toothbrush, toothpaste, denture adhesive, dental cleaner and dental floss;
 - (5) Moisturizing lotion;
 - (6) Tissues, cotton balls and cotton swabs;
 - (7) Deodorant;
 - (8) Supplies and services for incontinence;
 - (9) Sanitary napkins and related supplies;
 - (10) Towels and washcloths;
 - (11) Hospital gowns;
 - (12) Nonprescription drugs;

- (13) Supplies and services for the patient's nails; and
- (14) Supplies and services for the patient's laundry; and

(c) Medically-related social services required by NAC 449.74523.

2. Except as otherwise provided in subsection 3, a facility for skilled nursing may withhold from money held by the facility on behalf of a patient amounts for the following items and services:

- (a) A telephone;
- (b) A television and radio for the patient's personal use;
- (c) Personal comfort items, including, without limitation, smoking materials, notions, novelties and confections;
- (d) Cosmetic and grooming items and services that are not required for routine personal hygiene;
- (e) Clothing;
- (f) Reading material;
- (g) Gifts purchased on behalf of the patient;
- (h) Flowers and plants;
- (i) Items for social events and entertainment that are in addition to the program of activities required by NAC 449.74495;
- (j) Special services required for the care of the patient, including, without limitation, the services of a private nurse or aide;
- (k) A private room, unless a private room is required because of the medical condition of the patient; and

(l) Food that is specially prepared for the patient or requested in lieu of food that is regularly prepared by the facility as required by NAC 449.74525.

3. A facility for skilled nursing shall not:

- (a) Charge a patient any amount for an item or service that has not been requested by the patient.
- (b) Require a patient or his representative to request an item or service as a condition of the patient being admitted to or remaining in the facility.

4. If an item or service is requested by a patient or his representative for which there will be a charge, a facility for skilled nursing shall inform the patient or representative of the amount of the charge.

(Added to NAC by Bd. of Health by R051-99, eff. 9-27-99)

NAC 449.74465 Sending and receiving mail. (NRS 449.037) A facility for skilled nursing shall not prohibit a patient in the facility from:

Sending and promptly receiving mail. A patient's mail must not be opened by the facility.

Obtaining stationery, postage and writing instruments at the patient's expense. (Added to NAC by Bd. of Health by R051-99, eff. 9-27-99)

NAC 449.74467 Performance of services for facility by patient. (NRS 449.037)

1. A facility for skilled nursing shall not require a patient in the facility to perform services for the facility.

2. A patient may perform services for the facility only if:

(a) The facility has included in the patient's plan of care his need or desire to perform services for the facility;

(b) The plan of care describes the nature of the services to be performed and the compensation, if any, to be paid for those services;

(c) The compensation to be paid for the services is at or above the prevailing wage; and

(d) The patient agrees to perform the services described in the plan of care. (Added to NAC by Bd. of Health by R051-99, eff. 9-27-99)

NAC 449.74493 Notification of changes or condition of patient. (NRS 449.037)

1. A facility for skilled nursing shall immediately notify a patient, the patient's legal representative or an interested member of the patient's family, if known, and, if appropriate, the patient's physician when:

(a) The patient has been injured in an accident and may require treatment from a physician;

(b) The patient's physical, mental or psychosocial health has deteriorated and resulted in medical complications or is threatening the patient's life;

(c) There is a need to discontinue the current treatment of the patient because of adverse consequences caused by that treatment or to commence a new type of treatment;

(d) The patient will be transferred or discharged from the facility;

(e) The patient will be assigned to another room or assigned a new roommate; or

(f) There is any change in federal or state law that affects the rights of the patient.

2. A facility for skilled nursing shall maintain in its records and periodically revise the address and telephone number of a patient's legal representative and interested members of the patient's family.

(Added to NAC by Bd. of Health by R051-99, eff. 9-27-99)