

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.

(c) Evidence satisfactory to the Health Division that the facility or program meets all applicable federal, state and local laws and complies with all safety, health, building and fire codes. If there are any differences between the state and local codes, the more restrictive standards apply.

(d) If required by [NRS 439A.100](#), a copy of a letter of approval issued by the Director of the Department of Human Resources.

(e) A copy of the certificate of occupancy, a copy of the applicant's business license and a copy of any special use permits obtained in connection with the operation of the facility or program.

(f) A copy of any property lease or rental agreements concerning the facility or program.

(g) If the applicant is a corporation, a copy of its bylaws and articles of incorporation.

(Added to NAC by Bd. of Health by R044-97, eff. 10-30-97)

NAC 449.0112 Investigation; prelicensure survey; inspection for fire safety. ([NRS 449.037](#))

1. Upon receipt of a properly completed and notarized application and the appropriate fee, the Health Division shall conduct an investigation concerning the premises, facilities, qualifications of personnel, methods of operation and policies of the applicant and perform a prelicensure survey of:

(a) The applicant; and

(b) The facility, program plan and management plan, as appropriate.

2. Before issuing a license, the Health Division must receive a satisfactory report of inspection of the facility from the State Fire Marshal or the local fire department.

(Added to NAC by Bd. of Health by R044-97, eff. 10-30-97)

NAC 449.0114 Display of license; compliance with law; notice of transfer of real property or change in administrator, ownership, location or services. ([NRS 449.037](#))

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.

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.

(Added to NAC by Bd. of Health by R044-97, eff. 10-30-97)

NAC 449.0115 Review of building plans for new construction or remodeling by certain applicants: Required documents; payment of fees and costs. ([NRS 439.150](#), [439.200](#), [449.037](#))

1. An applicant for a license or the renewal of a license to operate a medical facility, facility for the dependent or program of hospice care who wishes or is required pursuant to [NAC 449.15359](#), [449.4063](#), [449.6114](#), [449.6135](#), [449.74543](#) or [449.97026](#) to have building plans for new construction or remodeling reviewed by the Health Division must:

(a) Submit to the Health Division or have on file a current application for a license or renewal of a license;

(b) Pay to the Health Division any fees required for the issuance or renewal of a license pursuant to [NAC 449.013](#) or [449.016](#); and

(c) Submit two complete sets of building plans for new construction or remodeling prepared by a registered architect, registered residential designer or licensed general contractor to the entity designated to review such plans by the Health Division.

2. All costs incurred for the review of building plans and any changes or revisions made to the plans must be borne by the applicant and paid directly to the designee of the Health Division conducting the review of the plans.

3. The costs required to be paid pursuant to subsection 2 are not refundable and are in addition to the fees charged for the issuance or renewal of the license pursuant to [NAC 449.013](#) or [449.016](#).

(Added to NAC by Bd. of Health, eff. 11-1-95; A by R035-97, 10-30-97; R129-99, 11-29-99, eff. 1-1-2000; R076-01, 10-18-2001; R067-04, R070-04 & R072-04, 8-4-2004; R076-04, 8-5-2004)

NAC 449.01153 Approval of building plans for construction or remodeling of certain facilities: Period of validity. ([NRS 449.037](#)) If the Health Division approves building plans for the construction or remodeling of a facility for modified medical detoxification, a facility for skilled nursing, a facility for the care of adults during the day, a facility for the treatment of abuse of alcohol or drugs, a hospital, a mobile unit, a residential facility for groups or a surgical center for ambulatory patients, the approval is valid for 42 months after it is issued, unless there has been:

1. A modification of the building plans;
2. A change in the ownership of the facility; or
3. A change in the intended use of the facility.

(Added to NAC by Bd. of Health by R065-04, eff. 8-4-2004)

NAC 449.01156 On-site advisory inspection of facility: Written request; action by Health Division; fee. ([NRS 439.150](#), [439.200](#), [449.037](#))

1. A licensee or an applicant for the issuance or renewal of a license whose building plans for the construction of a facility have been reviewed pursuant to [NAC 449.0115](#) may submit a written request to the Health Division for an on-site advisory inspection to be conducted by the Health Division after at least 80 percent of the construction of the facility is completed. The written request must include, without limitation, the anticipated date on which 80 percent of the construction of the facility will be completed.

2. If the Health Division receives a request submitted pursuant to subsection 1, the Health Division shall determine its ability to grant the request and shall issue a notice of that determination to the licensee or applicant who submitted the request.

3. If the Health Division grants a request submitted pursuant to subsection 1, the licensee or applicant who submitted the request shall, before the Health Division conducts the on-site inspection, submit to the Health Division a fee of:

- (a) Five hundred dollars, if the project is valued at not more than \$500,000;
 - (b) One thousand dollars, if the project is valued at more than \$500,000 but not more than \$1,000,000; or
 - (c) Two thousand dollars, if the project is valued at more than \$1,000,000.
- (Added to NAC by Bd. of Health by R065-04, eff. 8-4-2004)

NAC 449.0116 Renewal of license: Application; validity of existing license pending decision on application; inspection of facility; untimely filing or failure to file application. ([NRS 439.150](#), [439.200](#), [449.037](#), [449.050](#), [449.060](#))

1. Except as otherwise provided in subsection 2, a licensee who wishes to renew his license must submit a complete application for renewal to the Health Division on or before November 15 of the calendar year in which the license expires. The existing license shall be deemed valid until the submitted application for renewal is evaluated and a final determination is made by the Health Division concerning whether to renew the license. The Health Division may require an inspection of the facility to ensure that it meets the requirements of this chapter before deciding whether to renew a license.

2. A licensee who, without good cause, files an application for the renewal of his license after the date set forth in subsection 1 but on or before December 31 of the calendar year in which the license expires and who wishes to renew his license must pay:

(a) The fee required for the renewal of the license pursuant to [NAC 449.013](#) or [449.016](#), as appropriate; and

(b) An additional charge equal to one-half the amount of the fee required for the renewal of the license pursuant to [NAC 449.013](#) or [449.016](#), as appropriate.

3. A licensee who fails to file an application for the renewal of his license before the license expires is not eligible to renew the license and, if he wishes to be licensed, must submit an application for a new license.

(Added to NAC by Bd. of Health by R044-97, eff. 10-30-97; A by R065-04, 8-4-2004)

NAC 449.0118 Denial, suspension or revocation of license: Grounds. ([NRS 449.037](#)) In addition to the grounds set forth in [NRS 449.160](#) and any other grounds specifically applicable to a particular license, the Health Division may deny an application for a license or may suspend or revoke a license upon any of the following grounds:

1. The failure or refusal of an applicant or licensee to comply with any of the provisions of [chapter 449](#) of NRS or the regulations adopted by the State Board of Health.

2. The failure or refusal of an applicant or licensee to comply with a reasonable order from the Health Division to remove a resident from a facility or program.

3. Operating a facility or program without a license, if a license is required before operating.

4. Accepting for care, at any given time, more residents than the number specified in the license.

5. The failure or refusal of a licensee to return an adequate plan of correction to the Health Division within 10 days after the receipt by the licensee of a statement of deficiencies.

6. The failure or refusal to cooperate fully with an investigation or inspection by the Bureau.

7. Misappropriation of the property of a resident of a facility.

8. Abuse, neglect or exploitation of an infirm, mentally retarded or disabled person, or of a person who is 60 years of age or older.

(Added to NAC by Bd. of Health by R044-97, eff. 10-30-97)

NAC 449.0119 Denial, suspension or revocation of license: Appeals. ([NRS 449.037](#), [449.170](#)) An applicant or licensee who is aggrieved by an action of the Health Division relating to the denial, suspension or revocation of a license may appeal pursuant to the procedures set forth in [NAC 439.300](#) to [439.395](#), inclusive.

(Added to NAC by Bd. of Health by R044-97, eff. 10-30-97)

FEES

NAC 449.012 Definitions. ([NRS 449.037](#), [449.038](#)) As used in [NAC 449.012](#) to [449.0168](#), inclusive, unless the context otherwise requires, the words and terms defined in [NAC 449.0121](#) to [449.0127](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Bd. of Health by R035-97, eff. 10-30-97; A by R229-97, 4-15-98; R052-02 & R063-02, 7-24-2002; R065-04, 8-4-2004)

NAC 449.0121 “Ambulatory surgical center” defined. ([NRS 449.037](#)) “Ambulatory surgical center” has the meaning ascribed to it in [NAC 449.972](#).

(Added to NAC by Bd. of Health by R035-97, eff. 10-30-97)

NAC 449.01215 “Branch office” defined. ([NRS 449.037](#)) “Branch office” has the meaning ascribed to it in [NAC 449.749](#).

(Added to NAC by Bd. of Health by R035-97, eff. 10-30-97)

NAC 449.01225 “Facility for hospice care” defined. ([NRS 449.037](#)) “Facility for hospice care” has the meaning ascribed to it in [NAC 449.0172](#).

(Added to NAC by Bd. of Health by R035-97, eff. 10-30-97; A by R123-99, 11-29-99)

NAC 449.01227 “Facility for refractive laser surgery” defined. ([NRS 449.037](#)) “Facility for refractive laser surgery” has the meaning ascribed to it in [NRS 449.00387](#).

(Added to NAC by Bd. of Health by R052-02, eff. 7-24-2002)

NAC 449.01229 “Facility for treatment with narcotics” defined. ([NRS 449.037](#), [449.038](#)) “Facility for treatment with narcotics” has the meaning ascribed to it in [NAC 449.1542](#).

(Added to NAC by Bd. of Health by R229-97, eff. 4-15-98)—(Substituted in revision for NAC 449.0122)

NAC 449.0123 “Home health agency” defined. ([NRS 449.037](#)) “Home health agency” has the meaning ascribed to it in [NAC 449.749](#).

(Added to NAC by Bd. of Health by R035-97, eff. 10-30-97)

NAC 449.01235 “Home office” defined. ([NRS 449.037](#)) “Home office” has the meaning ascribed to it in [NAC 449.749](#).

(Added to NAC by Bd. of Health by R035-97, eff. 10-30-97)

NAC 449.0124 “Hospice care” defined. ([NRS 449.037](#)) “Hospice care” has the meaning ascribed to it in [NAC 449.0175](#).

(Added to NAC by Bd. of Health by R035-97, eff. 10-30-97)