

SUMMARY OF CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) 449.

- **Training** - Existing regulations require a caregiver of a residential facility for groups to receive at least 8 hours of annual training related to providing for the needs of residents of the facility. (NAC 449.196) Existing regulations also prescribe specific training requirements for a caregiver at a residential facility for groups whose residents are elderly persons or persons with disabilities or an employee of a residential facility for groups who provides care to persons with dementia. (NAC 449.2758, 449.2768) **Sections 7, 19, 36 and 38** of this regulation revise requirements governing training for such caregivers or employees without changing the total amount of training required. **Section 20** of this regulation prescribes specific requirements concerning the documentation of such training that a residential facility for groups is required to maintain for each employee. **Section 37** of this regulation deems current employees of residential facilities for groups who have received certain training required by existing regulations to meet the training requirements revised by **sections 19 and 36** of this regulation.
- **Person Centered Plan** - Existing regulations require: (1) a residential facility for groups to provide certain supervision for residents and permit a resident to engage in certain activities; and (2) caregivers of the facility to provide each resident with a written program of activities. (NAC 449.259, 449.260) **Section 22** of this regulation requires a residential facility for groups to develop a person-centered service plan for each resident in collaboration with the resident, his or her family and other persons who provide care to the resident. **Section 22** prescribes the required contents of a person-centered service plan, which include required supervision, authorized activities, the written program of activities for the resident and, if the resident has Alzheimer's disease or another form of dementia, measures to address the dementia and ensure the safety of the resident in the facility. **Section 4** of this regulation defines the term "person-centered service plan," and **sections 23, 28 and 34** of this regulation make conforming changes related to such a plan.
- **Providing Information** - Existing regulations require the administrator of a residential facility for groups to provide certain information concerning the services of the facility and the cost of those services in writing upon request. (NAC 449.2704) **Section 26** of this regulation: (1) clarifies that such information must be provided to any person upon request; and (2) requires the administrator to provide a person paying for services or his or her representative with certain information concerning those services upon the admission of the resident receiving those services, upon a change to those services or their cost or upon request.
- **Endorsement** - Existing law requires a resident who suffers from dementia to an extent that the resident may be a danger to himself or herself or others under certain circumstances to be placed in a residential facility for groups that meets requirements prescribed by the Board. (NRS 449.1845, [see below](#)) Existing regulations: (1) require a residential facility which offers or provides care for a resident with Alzheimer's disease or related dementia to obtain an endorsement on its license; and (2) impose certain requirements governing the operations of such a facility. (NAC 449.2754, 449.2756) **Sections 34 and 35** of this regulation limit those requirements to only apply to a residential facility for groups that provides care to a resident with Alzheimer's disease or another form of dementia to the extent that the resident may be a danger to himself or herself or others under the circumstances prescribed by existing law. **Section 35** also revises requirements governing equipment to alert the staff of a such a residential facility when a door used to exit the facility is opened. **Section 38** of this regulation repeals an unnecessary definition. Existing regulations authorize a residential facility that provides care to persons with Alzheimer's disease to admit and retain a resident who requires containment in locked quarters. (NAC 449.2754) **Sections 25 and 34** of this regulation remove this authorization, thereby prohibiting a residential facility that provides care to persons with Alzheimer's disease or other forms of dementia from admitting and retaining such a patient.

The errata will modify the following sections of the proposed regulations based on public feedback.

Section 6 – Verbiage “suffering from” was replaced with “with”.

Section 7 – Language was modified to include that training used by facilities that is listed on the Division’s website would be approved to meet requirements.

Section 20 - Updated to reflect 60 days which is consistent with the previous requirement when this training was noted in repealed text in 449.2758 noted at the end of the document. Verbiage was modified to clarify if training was from one listed on our website, no syllabus would be needed.

Section 22 - Modified to include scheduled and unscheduled verbiage.

Section 23 - Left language that had been previously removed that indicated the facility will provide at least 10 hours of facility wide activities. This covers the individually developed activities which can be scheduled or unscheduled to participate at the individual’s leisure as well as ensure at least 10 hours of organized activities are provided to the facility as a whole.

Next steps...

- Regulations will be reviewed at the Legislative Commission’s next scheduled meeting or be referred to Subcommittee to review regulations for conformity with legislative authority and intent after it has been adopted and approve the regulations before it becomes effective.
- If there is an objection by the Legislative Commission or Subcommittee to Review Regulations, the agency must revise the regulation and return it the LCB.
- Regulation does not become effective until the Commission or Subcommittee approves the regulation and the LCB files the regulation with the Secretary of State.
- If passed, pending final filing and signature, HCQC will then develop a plan to begin implementation.

NRS 449.1845 Administrator of residential facility for groups to conduct annual assessment of history of each resident and cause provider of health care to conduct certain examinations and assessments; placement based on assessment.

1. The administrator of a residential facility for groups shall:

(a) Annually cause a qualified provider of health care to conduct a physical examination of each resident of the facility;

(b) Annually conduct an assessment of the history of each resident of the facility, which must include, without limitation, an assessment of the condition and daily activities of the resident during the immediately preceding year; and

(c) Cause a qualified provider of health care to conduct an assessment of the condition and needs of a resident of the facility to determine whether the resident meets the criteria prescribed in paragraph (a) of subsection 2:

(1) Upon admission of the resident to the facility; and

(2) If a physical examination, assessment of the history of the resident or the observations of the administrator or staff of the facility, the family of the resident or another person who has a relationship with the resident indicate that:

(I) The resident may meet those criteria; or

(II) The condition of the resident has significantly changed.

2. If, as a result of an assessment conducted pursuant to paragraph (c) of subsection 1, the provider of health care determines that the resident:

(a) Suffers from dementia to an extent that the resident may be a danger to himself or herself or others if the resident is not placed in a secure unit or a facility that assigns not less than one staff member for every six residents, any residential facility for groups in which the resident is placed must meet the requirements prescribed

by the Board pursuant to subsection 2 of [NRS 449.0302](#) for the licensing and operation of residential facilities for groups which provide care to persons with Alzheimer's disease or other severe dementia.

(b) Does not suffer from dementia as described in paragraph (a), the resident may be placed in any residential facility for groups.

3. As used in this section, "provider of health care" has the meaning ascribed to it in [NRS 629.031](#).