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Chapter 449@ Medical and Other Related Facilities

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Section 449.74543@ Design, construction, equipment and maintenance: General requirements; prerequisites to approval of facility for licensure

## **449.74543 Design, construction, equipment and maintenance: General requirements; prerequisites to approval of facility for licensure**

### **1.**

A facility for skilled nursing must be designed, constructed, equipped and maintained in a manner that protects the health and safety of the patients and personnel of the facility and members of the general public.

### **2.**

Except as otherwise provided in this section:(a) A facility for skilled nursing shall comply with the provisions of NFPA 101: Life Safety Code, adopted by reference pursuant to NAC 449.0105. (b) Any new construction, remodeling or change in use of a facility for skilled nursing must comply with the applicable provisions of the guidelines adopted by reference in paragraphs (c), (d) and (e) of subsection 1 of NAC 449.0105, unless the remodeling is limited to refurbishing an area within the facility, including, without limitation, painting the area, replacing the flooring, repairing windows, or replacing window and wall coverings.

#### **(a)**

A facility for skilled nursing shall comply with the provisions of NFPA 101: Life Safety Code, adopted by reference pursuant to NAC 449.0105.

#### **(b)**

Any new construction, remodeling or change in use of a facility for skilled nursing must

comply with the applicable provisions of the guidelines adopted by reference in paragraphs (c), (d) and (e) of subsection 1 of NAC 449.0105, unless the remodeling is limited to refurbishing an area within the facility, including, without limitation, painting the area, replacing the flooring, repairing windows, or replacing window and wall coverings.

### **3.**

A facility for skilled nursing shall be deemed to be in compliance with the provisions of subsection 2 if: (a) The facility is licensed on January 1, 1999, the use of the physical space in the facility is not changed and there are no deficiencies in the construction of the facility that are likely to cause serious injury, harm or impairment to the public health and welfare; or (b) The facility has submitted building plans to the Bureau before February 1, 1999, and: (1) The Bureau determines that the plans comply with standards for construction in effect before December 11, 1998; (2) The facility is constructed in accordance with those standards; (3) Construction of the facility is begun before August 1, 1999; and (4) There are no deficiencies in the construction of the facility that are likely to cause serious injury, harm or impairment to the public health and welfare.

#### **(a)**

The facility is licensed on January 1, 1999, the use of the physical space in the facility is not changed and there are no deficiencies in the construction of the facility that are likely to cause serious injury, harm or impairment to the public health and welfare; or

#### **(b)**

The facility has submitted building plans to the Bureau before February 1, 1999, and: (1) The Bureau determines that the plans comply with standards for construction in effect before December 11, 1998; (2) The facility is constructed in accordance with those standards; (3) Construction of the facility is begun before August 1, 1999; and (4)

There are no deficiencies in the construction of the facility that are likely to cause serious injury, harm or impairment to the public health and welfare.

**(1)**

The Bureau determines that the plans comply with standards for construction in effect before December 11, 1998;

**(2)**

The facility is constructed in accordance with those standards;

**(3)**

Construction of the facility is begun before August 1, 1999; and

**(4)**

There are no deficiencies in the construction of the facility that are likely to cause serious injury, harm or impairment to the public health and welfare.

**4.**

Except as otherwise provided in subsection 5, a facility for skilled nursing shall comply with all applicable: (a) Federal and state laws; (b) Local ordinances, including, without limitation, zoning ordinances; and (c) Life safety, environmental, health, fire and local building codes, related to the construction and maintenance of the facility. If there is a difference between state and local requirements, the more stringent requirements apply.

**(a)**

Federal and state laws;

**(b)**

Local ordinances, including, without limitation, zoning ordinances; and

**(c)**

Life safety, environmental, health, fire and local building codes, related to the construction and maintenance of the facility. If there is a difference between state and

local requirements, the more stringent requirements apply.

**5.**

A facility for skilled nursing which is inspected and approved by the State Public Works Division of the Department of Administration in accordance with the provisions set forth in chapter 341 of NRS and chapter 341 of NAC is not required to comply with any applicable local building codes related to the construction and maintenance of the facility.

**6.**

A facility for skilled nursing shall submit building plans for new construction or remodeling to the entity designated to review such plans by the Division of Public and Behavioral Health pursuant to NAC 449.0115. The entity's review of those plans is advisory only and does not constitute approval for the licensing of the facility. Before the construction or remodeling may begin, the plans for the construction or remodeling must be approved by the Division of Public and Behavioral Health. The Bureau shall not approve a facility for licensure until all construction is completed and a survey is conducted at the site of the facility.