

Prohibited Conditions Checklist

Client Name:	Does client have any prohibited conditions? Y N
Facility Administrator:	Phone:
NAC 449.2736 Waiver Needed? : Y N	Submitted date:
Waiver attained? Y N	Waiver date attained:
Surveyor Name:	

NAC 449.2736 Procedure to exempt certain residents from restrictions. (NRS 449.037)

1. The administrator of a residential facility may submit to the Division a written request for permission to admit or retain a resident who is prohibited from being admitted to a residential facility or remaining as a resident of the facility pursuant to [NAC 449.271](#) to [449.2734](#), inclusive.

2. **A written request submitted pursuant to this section must include**, without limitation:

- (a) Records concerning the resident’s current medical condition, including updated medical reports, other documentation of current health, a prognosis and the expected duration of the condition;
- (b) A plan for ensuring that the resident’s medical needs can be met by the facility;
- (c) A plan for ensuring that the level of care provided to the other residents of the facility will not suffer as a result of the admission or retention of the resident who is the subject of the request; and
- (d) A statement signed by the administrator of the facility that the needs of the resident who is the subject of the written request will be met by the caregivers employed by the facility.

3. A written request submitted to the Division pursuant to this section must be received:

- (a) Before the administrator admits a resident; or
- (b) At the onset of a medical condition set forth in [NAC 449.271](#) to [449.2734](#), inclusive.

4. A residential facility must receive the permission requested pursuant to subsection 1 before the facility admits a resident who is otherwise prohibited from being admitted to the facility pursuant to [NAC 449.271](#) to [449.2734](#), inclusive.

5. A residential facility may retain a resident who is otherwise prohibited from remaining as a resident of the facility pursuant to [NAC 449.271](#) to [449.2734](#), inclusive, for 10 days after the facility submits to the Division the written request required pursuant to subsection 1.

Description	Yes	No
<p>NAC 449.271 Residents requiring <u>gastrostomy care or suffering from staphylococcus infection or other serious infection or medical condition.</u> (NRS 449.037) Except as otherwise provided in NAC 449.2736, a person must not be admitted to a residential facility or permitted to remain as a resident of a residential facility if he:</p> <ul style="list-style-type: none"> 1. Requires gastrostomy care; 2. Suffers from a staphylococcus infection or other serious infection; or 3. Suffers from any other serious medical condition that is not described in NAC 449.2712 to 449.2734, inclusive. 		
<p>NAC 449.2712 Residents requiring use of <u>oxygen.</u> (NRS 449.037)</p> <p>1. A person who requires the use of oxygen must not be admitted to a residential facility or be permitted to remain as a resident of a residential facility unless he:</p> <ul style="list-style-type: none"> (a) Is mentally and physically capable of operating the equipment that provides the oxygen; or (b) Is capable of: <ul style="list-style-type: none"> (1) Determining his need for oxygen; and (2) Administering the oxygen to himself with assistance. <p>2. The caregivers employed by a residential facility with a resident who requires the use of oxygen shall:</p> <ul style="list-style-type: none"> (a) Monitor the ability of the resident to operate the equipment in accordance with the orders of a physician; and (b) Ensure that: <ul style="list-style-type: none"> (1) The resident’s physician evaluates periodically the condition of the resident which necessitates his use of oxygen; 		

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<p>NAC 449.2714 Residents requiring use of intermittent positive pressure breathing equipment. (NRS 449.037)</p> <p>1. A person who requires the use of intermittent positive pressure breathing equipment must not be admitted to a residential facility or be permitted to remain as a resident of a residential facility unless:</p> <p>(a) The resident is mentally and physically capable of operating and disinfecting the equipment and is capable of determining when its use is required; or</p> <p>(b) The equipment is operated by a medical professional who has been trained to operate the equipment.</p>		
<p>NAC 449.2716 Residents having colostomy or ileostomy. (NRS 449.037)</p> <p>1. A person who has a colostomy or ileostomy must not be admitted to a residential facility or be permitted to remain as a resident of a residential facility unless:</p> <p>(a) The resident is mentally and physically capable of properly caring for his colostomy or ileostomy, with or without assistance, and the resident’s physician has stated in writing that the colostomy or ileostomy is completely healed; or</p> <p>(b) The care for the colostomy or ileostomy is provided by a medical professional who is trained to provide that care.</p> <p>2. The caregivers employed by a residential facility with a resident who has a colostomy or ileostomy shall ensure that:</p> <p>(a) All bags used by the resident are discarded appropriately; and</p> <p>(b) Privacy is afforded to the resident when care for the colostomy or ileostomy is being provided.</p>		
<p>NAC 449.2718 Residents requiring manual removal of fecal impactions or use of enemas or suppositories. (NRS 449.037)</p> <p>1. A person who requires the manual removal of fecal impactions or the use of enemas or suppositories must not be admitted to a residential facility or be permitted to remain as a resident of a residential facility unless:</p> <p>(a) The resident is able to provide the care for himself; or</p> <p>(b) The care is administered according to the written instructions of a physician by a medical professional who has been trained to provide that care.</p> <p>2. The caregivers employed by a residential facility with a resident who requires the manual removal of fecal impactions or the use of enemas or suppositories shall ensure that privacy is afforded to the resident when that care is being provided.</p>		
<p>NAC 449.272 Residents requiring use of indwelling catheter. (NRS 449.037)</p> <p>1. A person who requires the use of an indwelling catheter must not be admitted to a residential facility or be permitted to remain as a resident of a residential facility unless:</p> <p>(a) The resident is physically and mentally capable of caring for all aspects of the condition, with or without the assistance of a caregiver;</p> <p>(b) Irrigation of the catheter is performed in accordance with the physician’s orders by a medical professional who has been trained to provide that care; and</p> <p>(c) The catheter is inserted and removed only in accordance with the orders of a physician by a medical professional who has been trained to insert and remove a catheter.</p> <p>2. The caregivers employed by a residential facility with a resident who requires the use of an indwelling catheter shall ensure that:</p> <p>(a) The bag and tubing of the catheter are changed by:</p> <p>(1) The resident, with or without the assistance of a caregiver; or</p> <p>(2) A medical professional who has been trained to provide that care;</p> <p>(b) Waste from the use of the catheter is disposed of properly;</p> <p>(c) Privacy is afforded to the resident while care is being provided; and</p> <p>(d) The bag of the catheter is emptied by a caregiver who has received instruction in the handling of such waste and the signs and symptoms of urinary tract infections and dehydration.</p> <p>(Added to NAC by Bd. of Health by R003-97, eff. 10-30-97)</p>		

Description	Yes	No
<p>NAC 449.2722 Residents having unmanageable condition of bowel or bladder incontinence; residents having manageable condition of bowel or bladder incontinence. (NRS 449.037)</p> <p>1. A person who has an unmanageable condition of bowel or bladder incontinence must not be admitted to a residential facility or permitted to remain as a resident of a residential facility.</p> <p>2. A person who has a manageable condition of bowel or bladder incontinence must not be admitted to a residential facility or permitted to remain as a resident of a residential facility unless the condition can be managed by:</p> <ul style="list-style-type: none"> (a) The resident without the assistance of any other person; (b) Requiring the resident to participate in a structured bowel or bladder retraining program to assist the resident in restoring a normal pattern of continence; 		
<p>NAC 449.2724 Residents having contractures. (NRS 449.037)</p> <p>1. A person who has contractures must not be admitted to a residential facility or be permitted to remain as a resident of a residential facility unless the contractures do not adversely affect the ability of the resident to perform normal bodily functions and:</p> <ul style="list-style-type: none"> (a) The resident is able to care for the contractures without assistance; or (b) Supervision in caring for the contractures is provided by a medical professional who is trained to provide such supervision. 		
<p>NAC 449.2726 Residents having diabetes. (NRS 449.037)</p> <p>1. A person who has diabetes must not be admitted to a residential facility or be permitted to remain as a resident of a residential facility unless:</p> <ul style="list-style-type: none"> (a) The resident's glucose testing is performed by: <ul style="list-style-type: none"> (1) The resident himself without assistance; or (2) A medical laboratory licensed pursuant to chapter 652 of NRS; and (b) The resident's medication is administered: <ul style="list-style-type: none"> (1) By the resident himself without assistance; (2) By a medical professional, or licensed practical nurse, who is: <ul style="list-style-type: none"> (I) Not employed by the residential facility; (II) Acting within his authorized scope of practice and in accordance with all applicable statutes and regulations; and (III) Trained to administer the medication; or (3) If the conditions set forth in subsection 2 are satisfied, with the assistance of a caregiver employed by the residential facility. <p>2. A caregiver employed by a residential facility may assist a resident in the administration of the medication prescribed to the resident for his diabetes if:</p> <ul style="list-style-type: none"> (a) The resident's physical and mental condition is stable and is following a predictable course. (b) The amount of the medication prescribed to the resident for his diabetes is at a maintenance level and does not require a daily assessment. (c) A written plan of care by a physician or registered nurse has been established that: <ul style="list-style-type: none"> (1) Addresses possession and assistance in the administration of the medication for the resident's diabetes; and (2) Includes a plan, which has been prepared under the supervision of a registered nurse or licensed pharmacist, for emergency intervention if an adverse condition results. (d) <u>The medication prescribed to the resident for his diabetes is not administered by injection or intravenously.</u> (e) The caregiver has successfully completed training and examination approved by the Health Division regarding the administration of such medication. <p>3. The caregivers employed by a residential facility with a resident who has diabetes shall ensure that:</p> <ul style="list-style-type: none"> (a) Sufficient amounts of medicines, equipment to perform tests, syringes, needles and other supplies are maintained and stored in a secure place in the facility; (b) Syringes and needles are disposed of appropriately in a sharps container which is stored in a safe place; and (c) The caregivers responsible for the resident have received instruction in the recognition of the symptoms of hypoglycemia and hyperglycemia by a medical professional who has been trained in the recognition of those symptoms. 		

Description	Yes	No
<p>NAC 449.2734 Residents having tracheostomy or open wound requiring treatment by medical professional; residents having pressure or stasis ulcers. (NRS 449.037)</p> <p>1. A person who has a tracheostomy or an open wound that requires treatment by a medical professional must not be admitted to a residential facility or be permitted to remain as a resident of a residential facility unless:</p> <p>(a) The wound is in the process of healing or the tracheostomy is stable or can be cared for by the resident without assistance;</p> <p>(b) The care is provided by or under the supervision of a medical professional who has been trained to provide that care; or</p> <p>(c) The wound is the result of surgical intervention and care is provided as directed by the surgeon.</p> <p>2. If a person who has a pressure or stasis ulcer or who is at risk of developing a pressure or stasis ulcer is admitted to a residential facility or permitted to remain as a resident of a residential facility:</p> <p>(a) The condition must have been diagnosed by a physician;</p> <p>(b) The condition must be cared for by a medical professional who is trained to provide care for and reassessment of that condition; and</p> <p>(c) Before a caregiver provides care to the person who has a pressure or stasis ulcer or who is at risk of developing a pressure or stasis ulcer, the caregiver must receive training related to the prevention and care of pressure sores from a medical professional who is trained to provide care for that condition.</p> <p>3. The administrator of the facility shall ensure that records of the care provided to a person who has a pressure or stasis ulcer pursuant to subsection 2 are maintained at the facility. The records must include an explanation of the cause of the pressure or stasis ulcer.</p>		
<p>NAC 449.275 Residents receiving hospice care: Responsibilities of staff; retention of resident with special medical needs. (NRS 449.037)</p> <p>1. A residential facility that provides services to a resident who elects to receive hospice care shall obtain a copy of the plan of care required pursuant to NAC 449.0186 for that resident.</p> <p>2. The members of the staff of the facility shall:</p> <p>(a) Maintain at the facility a written record of the care and services provided to a resident who receives hospice care; and</p> <p>(b) Report any deviation from the established plan of care to the resident's physician within 24 hours after the deviation occurs.</p> <p>3. If the Division grants a request made pursuant to NAC 449.2736 by the administrator of a residential facility that provides hospice care, the residential facility may retain a resident who:</p> <p>(a) Is bedfast, as defined in NAC 449.2702; or</p> <p>(b) Requires skilled nursing or other medical care on a 24-hour basis.</p> <p>(Added to NAC by Bd. of Health by R003-97, eff. 10-30-97; A by R052-99, 9-27-99; R073-03, 1-22-2004)</p> <p>Nevada Administrative Code (NAC 449.275(3) requires the administrator to submit a request to the bureau pursuant to NAC 449.2736 to retain a hospice resident that is bedfast. Currently, facility administrators are submitting requests to the bureau for any resident recently admitted to hospice care and are referring to their requests as "hospice waivers" or "hospice requests." This practice does not meet the intent of the regulation as the regulation refers to bedfast hospice residents, not any resident on hospice care. Please do not submit your requests until after your resident experiences a serious decline in condition or becomes bedfast.</p>		