

PRESENTATION TO THE LEGISLATURE
Committee on Health and Human Services
BDR-40-584-SB-330
April 1, 2025

**Request to have the word “inpatient” included in NRS 449.0039
“Facility for Skilled Nursing” as a legal qualifier for skilled nursing
home identity and professional services being offered.**

Thank you chair, vice chair, and members of the committee of Health and Human Services. My name is Lex Anderson also on behalf of Senator Neal. I am a Nevada resident for some 40 years. I appreciate having the opportunity to take a couple minutes to comment on this application. I am a retired registered nurse with some 45 years in the nursing and medical field with the United States Air Force, local Public Health and other positions. With that, I believe I bring a resume of operational and administrative understanding directly related to the topic. My objective is to have the word “inpatient” included in NRS 449.0039 as a legal qualifier for Skilled Nursing Home identity and professional services being offered.

Why did I submit this application? Over the past 10 years in Las Vegas we have had some agenda application items that used our local Convalescent Care Facility/Nursing Home ordinance for land use project zoning justification. In Las Vegas, inpatient Skilled Nursing Facility nursing homes are designated for residential land use zoning status.

With a 2011 revision of our local nursing home ordinance, the term “Community Residence” was added to the nursing home definition. Community Residence is the term being used to include outpatient group homes and transitional living facilities. Group homes are licensed and limited for a maximum census of 10 to provide a defined

and important transitional “family like” therapeutic environment. Additionally, this keeps the group home within a homogenous and compatible residential profile. With Community Residences being included as inpatient nursing homes for land use zoning applications, it was wrongly assumed that now large outpatient group homes over the census of 10 could be justified, licensed, and qualify to be built under the identity of inpatient skilled nursing facility residential zoning codes, and with that circumvent high density housing zoning standards in residential communities.

With this, these agendas resulted in very problematic Planning and City Council application deliberations. It was clear to me that the ordinance needed a more professional definition to prevent future problematic agenda applications. And it needed a professional and legal solution to prevent outpatient group homes being defined as institutional inpatient skilled nursing facilities.

I need to reinforce here that nursing homes, defined as a “Facility for Skilled Nursing” are in fact hospitals. They are an extension of the legally defined institutional Physical Medicine **inpatient** hospital system for 24/7 professional nursing care and intervention as required.

Recall, during the COVID epidemic, general hospitals were overwhelmed with COVID diagnosed patients. With that, patients requiring less intensive care were transferred to Skilled Nursing Facilities, or standalone COVID 24/7 nursing care units. To accomplish this, March 13, 2020 a Presidential waiver was made to temporarily remove the legal 72 hour (Medicare 3 day rule) observation requirement to immediately qualify patients with **inpatient status** for hospital and skilled nursing care facility admissions.

The medical term of “patient” is legally and professionally defined only in two ways. Patients are either Inpatients or outpatients. Turning to the NRS 449.0039 “Facility for Skilled Nursing” I realized that the NRS omitted the

one very defining nursing facility qualifier word of “inpatient” in the statute. Going through the NRS, it was noted that occasionally “inpatient” and “outpatient” status was being used to be precise in defining a facility for patient admission, discharge or patient care requirements.

All that is being asked is to include the one word professional and legal qualifier of “inpatient” status to NRS 449.0039 “Facility for Skilled Nursing” as our statutory reference, and for ordinance authority. There are two reasons to support this request.

- Inpatient status in the NRS 449.0039 would qualify skilled nursing facilities within their legal identity as an institutional Physical Medicine inpatient hospital for 24/7 professional nursing care.
- Inpatient status automatically eliminates Skilled Nursing Facilities from outpatient identity and problematic zoning applications. If an application does not qualify for inpatient status, it’s not a Skilled Nursing Facility.

With this, I thank you for the opportunity to speak on this application, and to present how with this this one word qualifier the NRS can present a more professional and legal definition for Skilled Nursing Facilities.

Thank you,

Lex Anderson, RN (Ret.)
USAF, Major, Nurse Corps (Ret,)

ATCH: (3)

- NRS 449.0039 revision example.
- Presidential waiver to expedite “inpatient” status for hospital, stand alone units, and skilled nursing facility COVID admissions.
- Applicant resume.

Request for “inpatient” to be added to NRS 449.0039 “Facility for Skilled Nursing.”

NRS 449.0039 Facility for Skilled Nursing” is defined and reads as follows:

“Facility for skilled nursing” means an establishment which provides continuous skilled nursing and related care as prescribed by a physician to a patient in the facility who is not in an acute episode of illness and whose primary need is the availability of such care on a continuous basis.

The request is to simply add the legally and professionally defining adjective qualifier of “inpatient” status, as follows:

“Facility for skilled nursing” means an establishment which provides continuous INPATIENT skilled nursing and related care as prescribed by a physician to a patient in the facility who is not in an acute episode of illness and whose primary need is the availability of such care on a continuous basis.