

NOTICE OF PUBLIC HEARING

Intent to Adopt Regulations
(LCB File No. R057-16)

NOTICE IS HEREBY GIVEN that the State Board of Health will hold a public hearing to consider amendments to Chapter 457 of Nevada Administrative Code (NAC), Reporting Information on Cancer. This public hearing is to be held in conjunction with the State Board of Health meeting on September 9, 2016. The NAC 457 regulation changes will be heard in the order placed on the State Board of Health agenda.

The State Board of Health will be conducted via videoconference beginning at 9:00 a.m. on Friday, September 9, 2016 at the following locations:

Division of Public and Behavioral Health 4150 Technology Way Room #303 Carson City, NV 89706	Southern Nevada Health District Red Rock Conference Room 280 South Decatur Blvd Las Vegas, NV	Division of Aging and Disability Services Early Intervention Services 1020 Ruby Vista Drive, Suite 102 Elko, NV
---	--	--

The proposed regulations to NAC 457 include the following: The proposed addition/change of regulations in LCB File No. R057-16 include provisions for:

- Amends the requirement of reporting incidence of neoplasms other than cancer to the system for reporting such information established and maintained by the Chief Medical Officer.
- Expand the applicability of the reporting requirements that were previously applicable to physicians who provided treatment for cancer to, with limited exceptions, any provider of health care who diagnoses or provides treatment for cancer or other neoplasms.
- Adopt by reference the most current version of certain volumes of the Standards for Cancer Registries, the International Classification of Diseases for Oncology and the Facility Oncology Registry Data Standards (FORDS), and any subsequent revision of those publications that have been approved by the Chief Medical Officer for use in this State.
- Amend existing regulations to instead reference the neoplasms listed in one of the publications adopted by reference as the types of neoplasms which are required, with certain limited exceptions, to be reported pursuant to existing law.

- Existing regulations require health care facilities to abstract information concerning malignant neoplasms and provide that information to the Chief Medical Officer or his or her designee. (NAC 457.050) This regulation expands: (1) the scope of the information abstracted to include information on cases of cancer and other neoplasms; and (2) the applicability of the requirement to certain providers of health care and other facilities that provide screening, diagnostic or therapeutic services to patient with respect to cancer and other neoplasms.
- Establish an administrative penalty of up to \$25,000 to impose against any person who violates certain provisions which govern the abstracting of records of a health care facility relating to cancer and other neoplasms the Board requires to be reported.
- Establish the amount of and the procedures for notice and appeal with regard to the imposition of such an administrative penalty.
- Require a provider of health care who has directly referred or previously admitted a patient to a hospital, medical laboratory or other facility that provides screening, diagnostic or therapeutic services to report limited information to the Chief Medical Officer to obtain information from the hospital, medical laboratory or other facility that provides screening, diagnostic or therapeutic services to patients with respect to cancer or other neoplasms to which the patient was referred or admitted to.
- Increase from \$32 to \$250 the fee that the Chief Medical Officer must collect from a health care facility from whose records regarding cases of neoplasms the Division abstracts information and expand the applicability of that fee to providers of health care and other facilities that provide screening, diagnostic or therapeutic services to patients with respect to cancer and other neoplasms.
- Remove the \$8 fee imposed on a health care facility that abstracts information from its own records at the request of the Division.
- Increase from \$35 to \$200 the fee that the Chief Medical Officer must collect from a medical researcher who obtains data from the registry.

1. Anticipated effects on the business which NAC 457 regulates:

- A. *Adverse effects:* May have a negative economic impact on a small business depending on the cancer caseload because of additional costs and staff resources needed to abstract cancer information.
- B. *Beneficial:* Anticipated benefits would improve compliance with cancer reporting requirements to avoid under-reporting, align with CDC recommendations and guidelines, complete, timely, and quality production of cancer incidence data for use in cancer control and prevention activities.
- C. *Immediate:* The stated adverse and beneficial effects would be immediate impacts as soon as the proposed regulations become effective.
- D. *Long-term:* The long term impacts would be the same as the immediate impacts as it

would not be expected that the impacts would go away. In addition, Nevada cancer data would achieve national standards.

2. Anticipated effects on the public:

- A. *Adverse*: None anticipated.
- B. *Beneficial*: Increased patient and public safety.
- C. *Immediate*: Increased patient and public safety.
- D. *Long-term*: Increased patient and public safety.

3. The estimated cost to the Division of Public and Behavioral Health for enforcement of the proposed regulations is estimated to be \$0. Currently it is expected that the provisions of these regulations would be incorporated into current processes utilizing existing staff therefore no cost (\$0) to the agency for enforcement is anticipated.

4. The proposed regulations do not overlap or duplicate any other Nevada state regulations. Per NRS 233B.064(2), upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

5. Members of the public may make oral comments at this meeting. Persons wishing to submit written testimony or documentary evidence in excess of two typed, 8-1/2" x 11" pages must submit the material to the Board's Secretary, Cody Phinney, to be received no later than August 30, 2016 at the following address:

Secretary, State Board of Health
Division of Public and Behavioral Health
4150 Technology Way, Suite 300
Carson City, NV 89706

Written comments, testimony, or documentary evidence in excess of two typed pages will not be accepted at the time of the hearing. The purpose of this requirement is to allow Board members adequate time to review the documents.

A copy of the notice and proposed regulations are on file for inspection and/or may be copied at the following locations during normal business hours:

Nevada Division of Public and Behavioral Health
4150 Technology Way, Main Lobby
Carson City, NV 89701

Nevada State Library
100 Stewart Street
Carson City, NV 89701

Southern Nevada Health District
Red Rock Conference Room
208 South Decatur Blvd
Las Vegas, NV 89146

A copy of the regulations and this notice can be found on-line by going to:
<http://dpbh.nv.gov/Programs/NCCR/dta/Boards/Meetings/>

Copies may be obtained in person, by mail, or by calling the Nevada Central Cancer Registry at (775) 684-5968.

Copies may also be obtained from any of the public libraries listed below:

Carson City Library
900 North Roop Street
Carson City, NV 89702

Churchill County Library
553 South Main Street
Fallon, NV 89406

Clark County District Library
1401 East Flamingo Road
Las Vegas, NV 89119

Douglas County Library
1625 Library Lane
Minden, NV 89423

Elko County Library
720 Court Street
Elko, NV 89801

Esmeralda County Library
Corner of Crook and 4th Street
Goldfield, NV 89013-0484

Eureka Branch Library
80 South Monroe Street
Eureka, NV 89316-0283

Henderson District Public Library
280 South Green Valley Parkway
Henderson, NV 89012

Humboldt County Library
85 East 5th Street
Winnemucca, NV 89445-3095

Lander County Library
625 South Broad Street
Battle Mountain, NV 89820-0141

Lincoln County Library
93 Maine Street
Pioche, NV 89043-0330

Lyon County Library
20 Nevin Way
Yerington, NV 89447-2399

Mineral County Library
110 1st Street

Pahrump Library District
701 East Street

Hawthorne, NV 89415-1390

Pershing County Library
1125 Central Avenue
Lovelock, NV 89419-0781

Tonopah Public Library
167 Central Street
Tonopah, NV 89049-0449

White Pine County Library
950 Campton Street
Ely, NV 89301-1965

Pahrump, NV 89041-0578

Storey County Library
95 South R Street
Virginia City, NV 89440-0014

Washoe County Library
301 South Center Street
Reno, NV 89505-2151