

NOTICE OF PUBLIC HEARING

Intent to Adopt Regulations

LCB File No. R156-18

NOTICE IS HEREBY GIVEN that the Division of Public and Behavioral Health will hold a public hearing to consider amendments to Chapter 449 of Nevada Administrative Code (NAC), Medical Facilities and Other Related Entities, LCB File No. R156-18. This public hearing is to be held on January 10, 2019.

The Division of Public and Behavioral Health public hearing will be conducted via videoconference beginning at 3:00 PM on Thursday, January 10, 2019 at the following locations:

Division of Public and Behavioral Health 4150 Technology Way Room #303 Carson City, NV 89706	Division of Public and Behavioral Health Bureau of Health Care Quality and Compliance 4220 South Maryland Parkway, Suite 810, Building D Las Vegas, NV 89119
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The public hearing will be conducted in accordance with NRS 241.020, Nevada's Open Meeting Law.

AGENDA

1. Public hearing presentation on proposed amendments to NAC Chapter 449 in LCB File No. R156-18.
2. Public Comment on proposed amendments to NAC Chapter 449 in LCB File No. R156-18.
3. **For possible action:** Consideration and adoption of proposed amendments to NAC Chapter 449, LCB File No. R156-18, Medical Facilities and Other Related Entities.
4. Public Comment.

The proposed changes will revise Chapter 449 of the Nevada Administrative Code and are being proposed in accordance with §§1-6, Nevada Revised Statutes (NRS) 449.2425.

The proposed changes to NAC Chapter 449 include the following:

Existing law requires the Division of Public and Behavioral Health of the Department of Health and Human Services to establish: (1) a system for awarding a star rating to certain health care facilities on compliance with certain requirements relating to staffing, which must be posted on the Internet website of the Division and in the facilities that are rated; and (2) procedures by which such a health care facility may appeal a finding of a violation of those requirements or request a follow-up inspection. (NRS 449.2425) **Sections 3 and 4** of this regulation define terms used in provisions establishing the rating system and in procedures for requesting an appeal or follow-up inspection. **Section 5** of this regulation establishes the rating system and requires the Division to issue to each facility that is inspected or investigated a placard that states the name

and rating of the facility. **Section 6** of this regulation prescribes the procedures for requesting an appeal or follow-up inspection.

1. Anticipated effects on the business which NAC Chapter 449 regulates:

- A. *Adverse effects:* There are minimal anticipated adverse effects on business. Although it is possible for a facility to receive a low star rating, as the requirements relating to staffing only apply to the health facilities defined in NRS 449.2414 and limits it further to those facilities located in a county whose population is 100,000 or more and which is licensed to have more than 70 beds, it would only impact hospitals. In addition, the star rating is limited to compliance with the staffing statutes (NRS 449.241 to 449.2428) and is based on the severity of the violation. The lower star ratings are also associated with a higher severity score for violations of the staffing statutes. In the last year no hospitals were cited a high severity score (severity 3 or 4) for a violation of these staffing statutes; therefore, it is anticipated that few hospitals would receive a low star rating. All these factors combined suggest the adverse effects on business would be minimal.
- B. *Beneficial:* Facilities noted in A above will be required to post the final star rating assigned to the facility after the most recent investigation or inspection in a conspicuous place near each entrance to the facility that is regularly used by the public and, if the facility maintains an Internet website that is accessible to the public, on that Internet website. This will allow facilities that receive a high star rating to showcase their high rating to the public.
- C. *Immediate:* Impacted facilities would be assigned staffing related star rating upon passage of the proposed regulations and after an inspection or investigation is conducted. The consequences would be unknown at this time, as we don't know which facilities will receive a low or high star rating, although it is anticipated few facilities would receive a low star rating as noted previously.
- D. *Long-term:* There are no known anticipated long-term beneficial or adverse effects.

2. Anticipated effects on the public:

- A. *Adverse:* There are no anticipated adverse effects on the public.
- B. *Beneficial:* The public will have greater transparency related to a hospital's compliance with the requirements related to staffing statutory requirements.
- C. *Immediate:* The beneficial effects noted above will apply upon passage of the proposed regulations and issuance of a staffing star rating.
- D. *Long-term:* There are no anticipated beneficial or adverse long-term effects on the public.

3. The estimated cost to the Division of Public and Behavioral Health for enforcement of the proposed regulations is estimated to be minimal as the workload will be absorbed into its normal inspection and investigation workload. There may be some mailing costs associated with issuing the placards, but the Division will look into either combining the mailing with other facility mailings or look into the possibility of issuing the placards in an electronic format.

The proposed regulations do not overlap or duplicate any federal or other Nevada state regulations.

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 Administrator of the Division, Julie Kotchevar, to be received no later than Wednesday, December 26, 2018, at the following address:

Division of Public and Behavioral Health
Attention: Julie Kotchevar, Ph.D., Administrator
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 the Administrator adequate time to review the documents.

Members of the public who are disabled and require special accommodations or assistance at the hearing are requested to notify Leticia Metherell, in writing, no later than five (5) working days before the hearing via email at: lmetherell@health.nv.gov or by mailing request to:

Nevada Division of Public and Behavioral Health
Attention: Leticia Metherell
727 Fairview Drive, Suite E
Carson City, NV 89701

AGENDA POSTING LOCATIONS

NEVADA DIVISION OF PUBLIC AND BEHAVIORAL HEALTH – 4150 Technology Way,
Carson City, NV 89706

WASHOE COUNTY HEALTH DISTRICT – 1001 E. Ninth Street, Reno, NV 89512

EARLY INTERVENTION SERVICES – 1020 Ruby Vista Drive, Suite 102, Elko, NV 89801

SOUTHERN NEVADA HEALTH DISTRICT - 280 S. Decatur Blvd, Las Vegas, NV 89107

NEVADA DIVISION OF PUBLIC AND BEHAVIORAL HEALTH – 1650 Community
College Drive, Las Vegas, NV 89146

NEVADA STATE LIBRARY AND ARCHIVES – 100 Stewart Street Carson City, NV 89701

CAPITOL POLICE – Grant Sawyer Building Las Vegas

NV LEGISLATIVE POLICE – Legislative Building Carson City, NV 89703

A copy of the regulations and small business impact statement can be found on-line at the Division's website by going to:

http://dpbh.nv.gov/Reg/HealthFacilities/State_of_Nevada_Health_Facility_Regulation_Public_Workshops/

A copy of the public hearing notice can also be found at Nevada Legislature's web page:

<https://www.leg.state.nv.us/App/Notice/A/>

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
727 Fairview Drive, Suite E
Carson City, NV 89701

Nevada State Library
100 Stewart Street
Carson City, NV 89701

Nevada Division of Public and Behavioral Health
4220 S. Maryland Parkway, Suite 810, Building D
Las Vegas, NV 89119

Copies may be obtained in person, by mail, or by calling the Division of Public and Behavioral Health at (775) 684-1030 in Carson City or (702) 486-6515 in Las Vegas. 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
Hawthorne, NV 89415-1390

Pahrump Library District
701 East Street
Pahrump, NV 89041-0578

Pershing County Library
1125 Central Avenue

Storey County Library
95 South R Street

Lovelock, NV 89419-0781

Virginia City, NV 89440-0014

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

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

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

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.