

Joe Lombardo
Governor



Richard Whitley, MS
Director

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DIVISION OF PUBLIC AND BEHAVIORAL HEALTH

Helping people. It's who we are and what we do.



Lisa Sherych
Administrator

Ihsan Azzam,
Ph.D., M.D.
Chief Medical Officer

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Amendment of Regulations of the Board of Health
LCB File No. R063-21 relating to unlicensed caregiver infection control training.

NOTICE IS HEREBY GIVEN that the State Board of Health will hold a public hearing to consider amendments to Chapter 449 of Nevada Administrative Code (NAC), "Medical Facilities and other related entities." This public hearing is to be held in conjunction with the State Board of Health meeting on June 2, 2023.

The State Board of Health meeting will be conducted in person and via videoconference beginning at 9 am on June 2, 2023, at the following locations:

Physical Meeting Locations:

Southern Nevada Health District (SNHD)
Red Rock Trail Rooms A and B
280 S. Decatur Boulevard
Las Vegas, NV 89107

Division of Public and Behavioral Health
Hearing Room 303
4150 Technology Way
Carson City, NV 89706

Virtual Meeting Location:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_NGY3ZGM2ZjUtMmQ5NC00MzI2LWFhMDMtNmJhZmRjNzk1MWE3%40thread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%22e2f9f008-841c-437d-b037-927c30ea003e%22%7d

Please Note: If you experience technical difficulties connecting online, please call into the meeting to participate by phone.

Join via Phone:

+1 (775) 321-6111
Phone Conference ID: 286 562 031#

The proposed changes to NAC 449 include the following:

Existing law requires the State Board of Health to adopt regulations prescribing mandatory training for unlicensed caregivers who provide care at designated medical facilities, facilities for the dependent and other licensed facilities. (Section 1 of Assembly Bill No. 217, chapter 89, Statutes of Nevada 2021, at page 363 (NRS 449.0925))

- **Section 2** of this regulation interprets the term "unlicensed caregiver" for that purpose.
- **Section 3** of this regulation designates the types of facilities to which the requirements for training unlicensed caregivers apply.

- **Section 4** of this regulation: (1) requires the training on the control of infectious diseases to be provided by a nationally recognized organization that follows evidence-based standards; and (2) establishes the required topics for the training.
- **Section 4** further requires each unlicensed caregiver who completes the training to provide proof of completion of the training to the administrator of the facility.

Existing law requires the administrator or other person in charge of a designated facility to develop and annually update a written plan for the control of infectious diseases at the facility. (Section 1 of Assembly Bill No. 217, chapter 89, Statutes of Nevada 2021, at page 363 (NRS 449.0925))

- **Section 5** of this regulation prescribes the required contents of such a written plan.

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

- A. *Adverse effects:* An increase in training requirements requires additional time which takes employees' time away from direct care. Training programs may cause an additional cost to facilities if they choose not to use free options. One of the programs noted: The challenge continues, if more restrictions are put on our industry, we as small business owners are doomed to fail. The extra time to train, the paper, the ink, paying overtime for training. It already costs roughly \$500 to get all that is needed just to hire a Caregiver, CPR etc.
- B. *Beneficial:* It will help training requirements be more consistent for unlicensed caregivers for infection control. Responders thought it would benefit the industry if unlicensed caregivers had better knowledge of infection control.
- C. *Immediate:* Upon the proposed regulations becoming effective, the Division would implement the necessary procedures to implement the regulations and enforce them as necessary. This may result in an immediate adverse or beneficial effect, as noted in the above adverse and beneficial effects sections
- D. *Long-term:* It is anticipated there will be a positive impact in the long term as increased staff knowledge could help prevent and control the spread of infections and help facilities to identify and reduce risks of infections in patients and healthcare workers. The increased training may result in a more informed and coordinated effort to prevent and control outbreaks in facilities servicing vulnerable individuals.

2. Anticipated effects on the public:

- A. *Adverse:* The proposed regulations may have an adverse financial impact on members of the public that utilize the services of certain providers licensed by the Division. For example, covering the costs of training and paying the wages of unlicensed caregivers may result in additional operating costs to facilities that choose not to utilize free infection control training options. These costs may be passed on to consumers.
- B. *Beneficial:* The proposed regulations could have a beneficial impact on limiting spread of infections in facilities servicing vulnerable populations through training of unlicensed caregivers related to infection control. Reduced infections through the use of evidence-based standards for infection control and prevention may result in both quality-of-life improvement as well as cost savings, by potentially avoiding the cost to treat an infection.
- C. *Immediate:* As soon as the proposed regulations become effective it would allow for increased knowledge of unlicensed caregivers by receiving infection control training which in turn will help to reduce and prevent the spread of infections to the public in the State of Nevada.
- D. *Long-term:* There may be long-term effects including increased costs to the public to use certain services offered by certain licensed health care facilities, for example, if the costs facilities incur to train their employees, is passed on to consumers. There may also be long term benefits to the public, for example, if improved infection control and prevention measures reduce the number of infections suffered by members of the public utilizing the services of licensed health care facilities, there may be a cost benefit through avoidance of medical costs to treat such infections as well as improvement in quality of care and life.

3. The Division of Public and Behavioral Health determined the impact on small business by conducting a public workshop on Dec. 6, 2022, and sending small business impact questionnaires to licensed medical and non-medical providers. There is very minimal economic effect on small businesses as the training is free on the Division's website for licensed providers.

4. There should be no additional costs to the agency to enforce the proposed regulations. Providing free infection control training may in fact reduce the costs of conducting infection control inspections due to providers being more knowledgeable thus reducing complaints regarding infection control. It is anticipated that this workload can be incorporated into the Division's current workload to license and regulate medical and non-medical facilities.

5. The proposed regulations do not overlap or duplicate any other Nevada state or federal 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 Board's Secretary, Lisa Sherych, to be received no later than May 28, 2023, at the following address:

Secretary, State Board of Health
Division of Public and Behavioral Health
4150 Technology Way, Suite 300
Carson City, NV 89706
stateBOH@health.nv.gov

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, Suite #300, Carson City, NV 89706
- Nevada Division of Public and Behavioral Health - 4220 S. Maryland Parkway, Bldg. A, Ste. 100, Las Vegas, NV 89119
- Nevada State Library and Archives - 100 Stewart Street, Carson City, NV, 89701

A copy of the regulations and small business impact statement can be found online 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/>

Copies may be obtained in person, by mail, or by calling the Division of Public and Behavioral Health, contact information listed below:

Tina Leopard, Health Facilities Inspection Manager
Bureau of Health Care Quality and Compliance
4220 S. Maryland Parkway, Bldg. A, Ste. 100
Las Vegas, NV 89119
(702) 668-3245
tleopard@health.nv.gov

Copies may also be obtained from the Nevada State Library at the address listed below:

Nevada State Library & Archives
100 N. Stewart Street
Carson City, NV 89701

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.