

## **NOTICE OF PUBLIC WORKSHOP**

NOTICE IS HEREBY GIVEN that the Division of Public and Behavioral Health will hold a public workshop to consider amendments to Nevada Administrative Code (NAC) Chapter 449 related to cultural competency in compliance with Senate Bills 364 and 470 of the 2019 session.

The workshop will be conducted via videoconference beginning at 10 a.m. on Wednesday, January 29, 2020 at the following locations:

Division of Public and Behavioral Health Bureau of Health Care Quality and Compliance 727 Fairview Drive, Suite E Carson City, NV 89701	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	Division of Health Care Financing and Policy 1010 Ruby Vista Drive #103, Elko, NV 89801
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These workshops will be conducted in accordance with NRS 241.020, Nevada’s Open Meeting Law.

### **AGENDA**

1. Introduction of workshop process
2. Public comment on proposed amendments to Nevada Administrative Code Chapter 449 related to cultural competency in compliance with Senate Bills 364 and 470 of the 2019 session.
3. Public Comment

The proposed changes will revise Chapter 449 of the Nevada Administrative Code and bring the regulations into compliance with Senate Bills 364 and 470 of the 2019 legislative session.

The proposed regulations provide provisions for the following:

- 1) Outlines the requirements to be included in a cultural competency course or program application to be submitted to the Division and process for approval.
- 2) Requires the Division to make available the cultural competency course or program standards on the Division’s website.
- 2) Allows for the approval of cultural competency courses or programs provided by a nationally recognized organization, a governmental agency, or an accredited college or university, as long as the course or program provides a proof of completion.
- 3) Requires the Division to establish a Cultural Competency Advisory Group whose main purpose is to meet every other year to review the cultural competency course or program standards to determine if the standards require revision. It does allow for more frequent meetings as otherwise called by the Chair of the Cultural Competency Advisory Group, upon request of the Director of the Department or Administrator of the Division or their designees.
- 4) Outlines the process for approval of revised cultural competency courses or programs.
- 5) Requires each agent or employee of a facility who provides care to a patient or resident of a facility to complete an approved cultural competency course or program within 30 business days of hire and annually after hire.

- 6) Outlines the minimum posting requirements for a facility to post the prohibited discrimination statement required by Senate Bill 364 of the 2019 legislative session and for patients or residents who have experienced prohibited discrimination to file a complaint with the Division. It also requires a health care facility to provide such notice in writing to each patient or resident upon admission.
- 7) Outlines the facility complaint/grievance process to take when a patient or resident who has experienced prohibited discrimination files a complaint or grievance with the facility.
- 8) Requires a facility to develop policies to ensure patients or residents are addressed by their preferred name and pronoun and in accordance with their gender identity or expression and to adapt electronic records and any paper records the facility has, to reflect gender identities or expressions of patients or residents with diverse gender identities or expressions and outlines the information to be included in their adapted records.
- 9) Outlines the specific types of prohibited discrimination.
- 10) Requires a facility to report older person, vulnerable person, or child abuse or neglect in accordance with statutory requirements.
- 11) Requires a facility to demonstrate the ability to read, write, speak and communicate effectively with patients or residents residing in their facility.
- 12) Requires a facility to adopt and maintain policies and procedures for transfer and discharge of patients or residents that do not discriminate against a patient based on the source of payment for services provided.
- 13) Requires facilities to make available to the Division, upon request, any documentation required for the Division to determine compliance with the proposed regulations.
- 14) Amends existing regulatory language in NAC Chapter 449 to remove references such as, “he”, “she”, “her”, “his”, “himself”, “herself”, “maternal”, and “maternal patient” with words such as “they”, “their”, “them”, “pregnant patient/client”, as applicable.
- 15) Omits several regulations in NAC Chapter 449 relating to the prohibition of discrimination so that the regulations are in compliance and consistent with the prohibition of discrimination requirements of Senate Bills 364 and 470.

Members of the public may make oral comments at this meeting. Persons wishing to submit written testimony or documentary evidence may submit the material to Leticia Metherell, Health Program Manager III at the following address:

Division of Public and Behavioral Health  
727 Fairview Drive, Suite E  
Carson City, NV 89701  
775-684-1073 (FAX)  
[lmetherell@health.nv.gov](mailto:lmetherell@health.nv.gov) (E-mail)

Members of the public who require special accommodations or assistance at the workshops are required to notify Leticia Metherell, Health Program Manager III, in writing to the Division of Public and Behavioral Health, 727 Fairview Drive, Suite E, Carson City, Nevada, 89701, or by calling (775) 684-1030 at least five (5) working days prior to the date of the public workshop.

You may contact Leticia Metherell, Health Program Manager III, as noted above, for further information on the proposed regulations.

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

Division of Public and Behavioral Health  
727 Fairview Drive, Suite E  
Carson City, NV

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

Nevada State Library and Archives  
100 Stewart Street  
Carson City, NV

A copy of the regulations and small business impact statement can be found on the Division of Public and Behavioral Health's web page:

[http://dpbh.nv.gov/Reg/HealthFacilities/State\\_of\\_Nevada\\_Health\\_Facility\\_Regulation\\_Public\\_Workshops](http://dpbh.nv.gov/Reg/HealthFacilities/State_of_Nevada_Health_Facility_Regulation_Public_Workshops)

A copy of the public workshop 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 at (775) 684-1030 in Carson City or (702) 486-6515 in Las Vegas.

A copy of this notice has been posted at the following locations:

1. Division of Public and Behavioral Health, 4150 Technology Way, First Floor Lobby, Carson City
2. Nevada State Library and Archives, 100 Stewart Street, Carson City
3. Legislative Building, 401 S. Carson Street, Carson City
4. Grant Sawyer Building, 555 E. Washington Avenue, Las Vegas
5. Washoe County District Health Department, 9<sup>TH</sup> and Wells, Reno

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  
833 Las Vegas Boulevard North  
Las Vegas, NV 89101

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 4<sup>th</sup> Street  
Goldfield, NV 89013-0484

Eureka Branch Library

Henderson District Public Library

210 South Monroe Street  
Eureka, NV 89316-0283

Humboldt County Library  
85 East 5<sup>th</sup> Street  
Winnemucca, NV 89445-3095

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

Mineral County Library  
110 1<sup>st</sup> 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

280 South Water Street  
Henderson, NV 89105

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

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

Pahrump Library District  
701 East Street  
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

Per NRS 233B.064(2), upon adoption of any regulations, 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.