NOTICE OF PUBLIC HEARING

Intent to Adopt Regulations
(LCB File No. R151-15)

NOTICE IS HEREBY GIVEN that the State Board of Health will hold a public hearing to consider adoption of regulations revising provisions relating to taking action on certain petitions filed with the Board; revising application fees for the Physician Visa Waiver Program; revising provisions relating to the refund of those application fees in certain circumstances; and providing other matters properly relating thereto. This public hearing is to be held in conjunction with the State Board of Health meeting on June 10, 2016. The proposed adoption of the regulations 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, June 10, 2016 at the following locations:

Division of Public and Behavioral Health 4150 Technology Way Room #303 Carson City, NV	Division of Public and Behavioral Health 1650 Community College Drive Las Vegas, NV	Division of Aging and Disability Services Early Intervention Services 1020 Ruby Vista Drive, Suite 102 Elko, NV

The proposed adoption of regulations include the following:

- Update NAC 439.030 to reflect the required response time from 45 days to 30 days, for petitions submitted to the Secretary of the State Board of Health, consistent with NRS 233B.100;
- Update NAC 439A.720 to increase application fees consistent with NRS 439A.170 as amended by Assembly Bill No. 39, chapter 94, Statutes of Nevada 2015;
- Update NAC 439A.710
    - to the new name of the Nevada Primary Care Association, formerly Great Basin Primary Care Association;
    - to allow members to designate representatives to serve as their proxy for the purpose of obtaining a meeting quorum and voting on action items;
    - to change meeting requirements for the Advisory Council from at least once each calendar quarter to at least annually;
    - to change selection of Advisory Council chair from annually to biennially; and
- Update NAC 439A.720-745 to remove references to obsolete website.

1. Anticipated effects on the businesses which these regulations will affect:
   A. *Adverse effects*: The proposed changes include modest application fee increases for specialists and third-party contractors to cover increased costs for program administration and monitoring. The cap was increased from $500 to $2,000 under NRS 439A.170. The fee schedule in the proposed regulation starts at $500 for primary care providers in a designated Health Professional Shortage Area, with $300 increments for specialists, "flex slots," and third-party contractors, with the highest potential rate at $1,400.
   B. *Beneficial:* Increasing the fees to better reflect program costs will help sustain this program that is a good tool for recruiting physicians in hard to serve areas, including monitoring activity to ensure physicians are treated fairly and programs are in compliance with state and federal requirements.
   C. *Immediate:* The stated adverse and beneficial effects would begin with the first application received following approval of the proposed regulation.
   D. *Long-term:* The long term impacts would be the same as the immediate impacts as applications are received over time.

2. Anticipated effects on the public:
   A. *Adverse*: None anticipated.
   B. *Beneficial:* A sustainable program to recruit providers to underserved areas improves access to health care, and thereby improves health outcomes; these providers also benefit the local economy.
   C. *Immediate*: No immediate impact is anticipated.
   D. *Long-term:* Long-term sustainability is the reason for the fee increase.

3. The estimated cost to the Division of Public and Behavioral Health for enforcement of the proposed regulations is estimated to be $0, as no increased enforcement activity is anticipated.

The proposed regulations do not overlap or duplicate any other Nevada 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, Cody Phinney, to be received no later than May 31, 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:

NV Division of Public and Behavioral Health 4126 Technology Way, 2nd Floor NE Carson City, NV 89706	Nevada State Library 100 Stewart Street Carson City, NV 89701
Churchill County Library 553 South Maine Street Fallon, NV 89406 Churchill County Phone: 775-423-7581	Douglas County Public Library 1625 Library Lane Minden, NV 89423 Douglas County Phone: 775-782-9841
Battle Mountain Branch Library 625 South Broad Street Battle Mountain, NV 89820 Lander County Phone: 775-635-2534	Elko County Library 720 Court Street Elko, NV 89801 Elko County Phone: 775-738-3066
Eureka Branch Library 210 South Monroe Eureka, NV 89316 Eureka County Phone: 775-237-5307	Goldfield Valley Library Corner Crook & Fourth Goldfield, NV 89013 Esmeralda County Phone: 775-485-3236
Humboldt County Library 85 East 5th Street Winnemucca, NV 89445 Humboldt County Phone: 775-623-6388	Clark County Library 1401 E. Flamingo Rd. Las Vegas, NV 89119 Clark County Phone: 702-507-3400
Lincoln County Library 63 Main Street Pioche, NV 89043 Lincoln County Phone: 775-962-5244	Central Library 20 Nevin Way Yerington, NV 89447 Lyon County Phone: 775-463-6645
Mineral County Library 110 First St	Pahrump Community Library 701 East Street

Hawthorne, NV 89415 Mineral County Phone: 775-945-2778	Pahrump, NV 89041 Nye County Phone: 775-727-5930
Pershing County Library 1125 Central Ave Lovelock, NV 89419 Pershing County Phone: 775-273-2216	Storey County Library 175 E. Carson St. Virginia City, NV 89440 Storey County Phone: 775-847-0541
Downtown Reno Library 301 S. Center St. Reno, NV 89501 Washoe County Phone: 775-327-8300	White Pine County Public Library 950 Campton Street Ely, NV 89301 White Pine County Phone: 775-293-6900

A copy of the regulations and small business impact statement can be found on-line at the following links:

- http://dpbh.nv.gov/Programs/Conrad30/Conrad30-Home/
- http://dpbh.nv.gov/Boards/BOH/Board_of_Health_(BOH)_-_home/
- 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, Primary Care Office at (775) 684-4041 in Carson City.

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.