NOTICE OF PUBLIC WORKSHOP

NOTICE IS HEREBY GIVEN that the State Board of Health will hold a public hearing and act on the adoption of amendments to Nevada Administrative Code (NAC) 442.020 through 442.050. The proposed amendment is attached to this notice. **The hearing is scheduled to begin at 1:00 p.m. on Monday, May 16, and will be broadcast via videoconference to the following locations: Division of Public and Behavioral Health, 4150 Technology Way, Suite 303, Carson City, Nevada 89706; 4220 S. Maryland Parkway, Suite 810, Las Vegas, Nevada 89119.**

NOTICE POSTING LOCATIONS
LEGISLATIVE COUNSEL BUREAU – 401 S. Carson Street, Carson City
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH – 4150 Technology Way, Carson City
NEVADA STATE LIBRARY AND ARCHIVES – 100 Stewart Street, Carson City
WASHOE COUNTY HEALTH DISTRICT – 9TH & Wells Avenue, Reno
ELKO COUNTY LIBRARY – 720 Court Street, Elko
DIVISION OF AGING AND DISABILITY SERVICES – 3811 W. Charleston Blvd., Suite 112, Las Vegas
SOUTHERN NEVADA HEALTH DISTRICT – 330 S. Valley View Blvd., Las Vegas

This notice is posted on the Internet at the following sites:
Division of Public and Behavioral Health website: http://www.health.nv.gov
Legislative Council Bureau website: https://www.leg.state.nv.us/Division/LCB

Members of the public may participate via teleconference by calling:
1-877-336-1831
Access Code: 4756895

The workshop will be conducted in accordance with NRS 241.020, Nevada's Open Meeting Law. The proposed change to regulation **LCB File NO. R033-16** amends NEVADA Administrative Code 442.020 through 442.050 provisions as follows:

"Nevada Newborn Screening Program" means a program to screen and detect health problems in infants managed by the State Public Health Laboratory:

- The taking of blood samples from infants as provided for in NRS 442.008 shall be administered through the Nevada Newborn Screening Program.
- Nevada will no longer utilize an out of state entity for the processing and testing of Newborn Screening Kits, which will now be conducted at the Nevada Public Health Laboratory.
- Every hospital or obstetric center is required to purchase newborn screening kits from the State Public Health Laboratory for appropriate processing and testing.
- The State Public Health Laboratory shall establish the price for the newborn screening test kits.
- Hospital personnel will continue to uphold specific standards in an effort to comply with the regulation amendment.

AGENDA

I. Call to Order and Welcome
II. Confirmation of Posting
III. Introduction of Workshop Process
IV. Public Comment on Proposed Amendment
V. PUBLIC COMMENT- *Administrator may limit public comment to 5 minutes per speaker, but may not restrict comment based upon viewpoint. No action may be taken upon a matter raised under the public comment period, unless the matter itself has been specifically included on this agendas an action item.*
VI. Adjournment

Persons wishing to submit written testimony or documentary evidence may submit the materials by May 6, 2016 to Debra Kawcak, Children and Youth with Special Health Care Needs Program Coordinator, at the following address:

Division of Public and Behavioral Health
4150 Technology Way, Suite 210
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 is posted and 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
4150 Technology Way Suite 210
Carson City NV 89706

Churchill County Library
553 S. Maine Street
Fallon NV 89406

Clark County Library
1401 East Flamingo Road
Las Vegas NV 89110

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 Fourth
Goldfield NV 89013

Eureka Branch Library
210 S. Monroe
Eureka NV 89316

Humboldt County Library
85 E. Fifth Street
Winnemucca NV 89445

Lander County Library
625 S. Broad Street
Battle Mountain NV 89820

Lincoln County Library
93 Main Street
Pioche NV 89043

Nevada State Library and Archives
100 Stewart Street
Carson City NV 89701:

Lyon County Library
20 Nevin Way
Yerington NV 89447

Mineral County Library
First & A Streets
Hawthorne NV 89415

Pahrump Library District
701 East Street
Pahrump NV 89041

Pershing County Library
1125 Central Avenue
Lovelock NV 89419

Storey County Library
95 South R Street
Virginia City NV 89440

Tonopah Public Library
167 Center Street
Tonopah 89409

Washoe County Library
301 S. Center Street
Reno NV 89505

White Pine County Library
950 Campton Street
Ely NV 89301

Carson City Library
900 North Roop Street
Carson City, NV

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 and urged against its adoption.

PROPOSED REGULATION OF THE

STATE BOARD OF HEALTH

LCB File No. R033-16

April 12, 2016

EXPLANATION – Matter in ***italics*** is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §1, NRS 440.120; §§2-5, NRS 442.008; §6, NRS 439.150 and 440.120.

A REGULATION relating to infants; revising provisions relating to the taking and testing of certain blood samples from infants; repealing provisions relating to certain fees for registering the birth of a child; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Health to adopt regulations governing examinations and tests required for the discovery in infants of preventable or inheritable disorders. If the examination and tests reveal the existence of a preventable or inheritable disorder, a report must be sent to certain state and local health officers, and the parents of the infant must be notified and informed of the treatment necessary for the amelioration of the condition. An infant is exempt from such examinations and tests if either parent files a written objection with the appropriate person or institution. (NRS 442.008) Existing regulations require the taking of two blood samples from each infant born in this State within the first few weeks of life. Each blood sample must be sent for screening in a kit supplied by the Division of Public and Behavioral Health of the Department of Health and Human Services. (NAC 442.030, 442.035, 442.040) A form must be submitted to the Division if a required blood sample is not taken from an infant. (NAC 442.050) Upon notification by the Division that a test is abnormal or questionable, an additional blood sample must be taken, and the parent or guardian of the infant must upon notification take the child to a physician for a quantitative evaluation of the problem indicated by the test result. (NAC 442.046)

Sections 3-5 of this regulation transfer the obligations for providing screening kits, receiving forms indicating a blood sample was not taken and making appropriate notifications of an abnormal or questionable test from the Division to the State Public Health Laboratory, which is maintained by the University of Nevada School of Medicine. **Section 3** also specifies that the required blood sample must be obtained by means of a heel stick if the blood sample is obtained by a hospital or obstetric center.

Existing regulations require each person who is legally responsible for registering the birth of a child to submit a fee to the Division. (NAC 440.210) **Section 6** of this regulation repeals this provision.

Section 1. NAC 440.020 is hereby amended to read as follows:

440.020 If any provision of NAC 440.010 to ~~[440.210,]~~ ***440.190,*** inclusive, is declared unconstitutional or invalid for any reason, the remainder of those provisions are not affected thereby.

Sec. 2. NAC 442.020 is hereby amended to read as follows:

442.020 As used in NAC 442.020 to 442.050, inclusive:

1. ~~["Division" means the Division of Public and Behavioral Health of the Department of Health and Human Services.~~

~~2.]~~ "Hospital" means a medical facility as defined in NRS 449.0151.

~~[3.]~~ ***2.*** "Obstetric center" has the meaning ascribed to it in NRS 449.0155.

3. "State Public Health Laboratory" means the State Public Health Laboratory maintained by the University of Nevada School of Medicine pursuant to NRS 439.240.

Sec. 3. NAC 442.030 is hereby amended to read as follows:

442.030 1. Except as otherwise provided in NAC 442.035, every hospital or obstetric center in which an infant is born must take ~~[an appropriate]~~ ***a heel stick*** blood sample from the infant before he or she is discharged from the hospital or obstetric center. The sample must be taken not later than the seventh day of the infant's life regardless of the feeding status of the infant. If an infant is discharged before he or she is 48 hours of age, the hospital or obstetric

center must take ~~[an appropriate]~~ ***a heel stick*** blood sample as close as possible to the time of the infant's discharge from the hospital or obstetric center.

2. The sample must be placed in a ***newborn screening test*** kit ~~[supplied by]~~ ***obtained from*** the ~~[Division]~~ ***State Public Health Laboratory*** and must be mailed to the address indicated on the kit within 24 hours after the sample is taken.

3. If an infant is not born in a hospital or obstetric center, the person who is legally responsible for registering the birth of the child must have a physician, hospital, public health nurse or the State Public Health Laboratory take the first blood sample between the 3rd and 7th day and the second blood sample between the 15th and 56th day of the infant's life.

4. As used in this section, "heel stick blood sample" means a small amount of blood obtained by means of a small puncture made to the heel of an infant.

Sec. 4. NAC 442.046 is hereby amended to read as follows:

442.046 1. Upon notification by the ~~[Division]~~ ***State Public Health Laboratory*** that a test is abnormal or questionable, the child's physician or the person who is legally responsible for registering the birth of the child shall cause to have taken an additional blood sample and any additional tests which are required to evaluate the possible abnormality and shall report that action to the ~~[Division.]~~ ***State Public Health Laboratory.***

2. The parent or guardian of an infant with an abnormal or questionable test result shall upon notification promptly take the child to a physician who shall ensure that a quantitative evaluation of the problem indicated by the test result is performed.

3. The person taking the blood sample shall:

(a) Provide all available information including:

(1) The name and gender of the infant and the name and address of the mother;

(2) The feeding history of the infant;

(3) The gestational age of the infant at birth;

(4) The age of the infant at the time of testing;

(5) The use of antibiotics or hyperalimentation; and

(6) Any additional information the ~~[Division]~~ ***State Public Health Laboratory*** may require.

(b) Obtain a sufficient blood sample to ensure adequate diagnostic testing on the infant.

Sec. 5. NAC 442.050 is hereby amended to read as follows:

442.050 1. The nurse in charge or the person legally responsible for registering the birth of the child shall:

(a) Determine that a blood sample has been properly drawn **,** ~~[and]~~ executed ***and placed in a newborn screening test kit obtained pursuant to NAC 442.030*** before an infant is discharged from the hospital.

(b) Ensure that the blood sample is mailed within 24 hours after it is drawn.

(c) Record on the infant's medical chart the fact that the sample was taken and the date it was taken.

(d) Ensure that the ~~[form for the test]~~ ***report*** required by NRS 442.040 is completed and signed by the parent or guardian.

2. A hospital or obstetric center shall ~~[report to the Division]~~ ***complete a newborn screening collection form obtained from the State Public Health Laboratory*** if a blood sample is not taken from an infant before his or her discharge from the hospital or obstetric center, unless the

infant is transferred to a hospital that provides a higher level of neonatal care. ~~[The report must be submitted on the form provided by the Division entitled "Report of Newborn Blood Sample Not Obtained."]~~ The hospital or obstetric center shall send ~~[a copy of]~~ the ***newborn screening collection*** form ***indicating that a blood sample was not taken from an infant*** to the ~~[Division]~~ ***State Public Health Laboratory*** within 2 working days after ~~[its completion.]~~ ***the infant is discharged from the hospital or obstetric center.***

Sec. 6. NAC 440.210 is hereby repealed.

TEXT OF REPEALED SECTION

440.210 Registration of birth: Submission of fee to Division of Public and Behavioral Health. (NRS 439.150, 440.120) Each person who is legally responsible for registering the birth of a child shall submit a fee to the Division of Public and Behavioral Health of the Department of Health and Human Services for each birth as follows:

1. If paid on or before the 30th day after the date of the birth of the child, the fee is $81.
2. If paid more than 30 days after the date of the birth of the child, the fee is $83.