

STEVE SISOLAK
Governor



JULIE KOTCHEVAR, Ph.D.
Administrator

RICHARD WHITLEY, MS
Director

IHSAN AZZAM, Ph.D., M.D.
Chief Medical Officer

DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH
4150 Technology Way
Carson City, Nevada 89706
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MEMORANDUM

DATE: January 15, 2019
TO: Jon Pennell, Chair, State Board of Health
FROM: Julie Kotchevar, Secretary, State Board of Health
RE: 1200 Charllys Way Fallon Nevada Well Compliance Agreement

NAC 439.280(3), "Schedule for compliance." "In those areas of the State which are not in a health district, or in case of a regulation enforced exclusively by the State Board of Health, the Chief Medical Officer may postpone the enforcement of and agree to a schedule for compliance with the regulation. If the period needed by such a person to comply exceeds 45 days, the schedule must be submitted to the State Board of Health for approval." Request for approval of the Compliance Agreement between Deborah Ann Garnett Hale, Property Owner, the State Health Officer, and the Division of Public and Behavioral Health, Environmental Health Section.

STAFF REVIEW

The purpose of the compliance agreements is to allow the Division of Public and Behavioral Health (Division) to approve a well replacement at 1200 Charllys Way Fallon, Nevada pursuant to Nevada Administrative Code Chapter 446, to allow the installation of a replacement domestic water well on a currently occupied lot, with a total area of 0.59 acres. NAC 444.790(1) requires a minimum of 1 acre for a septic system on a lot serviced by a domestic well. This property is in the semi-rural community of Churchill County. All other lots within the immediate area are served by private wells and individual sewage systems. A community water system is not currently available. The property will become uninhabitable if a replacement well cannot be installed.

March 1, 2019

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STAFF RECOMEDATION

Staff recommends the Board of Health accept the Compliance Agreement. A plan review has been conducted and well, and septic distances will be maintained on the current sized lot. There is low risk to public health. The low density of septic systems and low static water level in the area (average ground water depth 32.6 ft.) will preclude excessive loading and contamination of groundwater.

EXCEPTIONAL AND UNDUE HARDSHIP

Ms. Garrett Hale states that strict application of the regulation noted in this memorandum would render her property unusable as a residential property. Denial of the compliance agreement would require Ms. Garnett Hale to abandon her home and property.

PRESENTER

Teresa Hayes, Environmental Health Program Manager III
Environmental Health Section

STEVE SISOLAK
Governor

RICHARD WHITLEY, MS
Director



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**DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH
REGULATORY AND PLANNING SERVICES - EHS**

January 8, 2019

Re: Compliance Agreement

1200 Charlys Way, Fallon NV

The following is a Compliance Schedule agreed upon by Deborah Ann Garnett Hale and the Nevada Division of Public & Behavioral Health, Environmental Health Section (DPBH-EHS).

The goal of this agreement is to provide Ms. Garnett Hale with domestic water at her occupied residence located at 1200 Charlys Way in Fallon, NV, while protecting groundwater and the public health.

Ms. Garnett Hale has occupied her residence since 2002. The Churchill County Assessor's records show the property as first developed in 1967, and continuously occupied since that time. The depth to static groundwater in the area averages approximately 30 ft. The nearest surface waters to the property are agricultural canals at least 330 ft from the septic system. A new well on the property would tap a lower aquifer approximately 100 ft below the surface.

The residence is on a lot of 0.590 acres and is served by a domestic well and septic system. The well serving the residence ceased providing water on or about Dec. 27, 2018. Nevada Administrative Code (NAC) 444.790(1) requires a minimum area of 1 acre for a residence served by a well.

NAC 439.280(3) provides that, in areas of the State which are not in a health district, or in case of a regulation enforced exclusively by the State Board of Health, the State Health Officer may postpone the enforcement of and agree to a schedule for compliance with the regulation for a period of up to 45 days. The matter must be submitted to the Board of Health to review if the period will exceed 45 days.

Ms. Garnett Hale agrees to hire a well-drilling contractor appropriately licensed by the Nevada Division of Water Resources to:

1. Cap the existing well;

- 2. Install the new well in accordance with NAC 445A, including a sanitary seal to at least 50 ft below the surface; and
- 3. Locate the new well at least 100 ft from any existing septic tank or leachfield.

DPBH-EHS and the State Health Officer agree to postpone enforcement of NAC 444.790(1) with regard to occupancy of an undersized lot for a period not to exceed 45 days.

The above agreement shall be effective January 23, 2018 and remain in effect for 45 days. The compliance agreement will be brought before the State Board of Health for approval.

Deborah Ann Garnett Hale Date 1-14-2019

Deborah Ann Garnett Hale, Property Owner

Teresa R. Hayes Date 1-16-2019

Teresa R. Hayes, REHS, DPBH-EHS Program Manager

Ihsan Azzam Date 1/17/18

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

_____ Date _____

Chair, State Board of Health.

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DATE: March 8, 2019

TO: Dr. Jon Pennell, Chair
Dr. Jeffrey Murawsky, Vice-Chair
State Board of Health

FROM: Tina Gerber-Winn, Agency Manager
Community Health Services

RE: Updated Fee Schedule for Community Health Services and Related Supplies for Non Family Planning Title X Services

PURPOSE

The State of Nevada, Division of Public and Behavioral Health (DPBH), Community Health Services (CHS) is requesting the State Board of Health to approve the updated fee schedule for non-family planning services and related supplies pursuant to NAC 442.222.

CHS provides public health services, emergency preparedness and infectious disease assistance in nine of Nevada's rural and frontier counties. There are 12 community health clinics in these geographic areas located in Dayton, Silver Springs, Yerington, Fernley, Fallon, Hawthorne, Tonopah, Pahrump, Panaca, Lovelock, Winnemucca, and Ely.

Mandated services include:

- Conducting investigations of infectious diseases and reporting to the State Chief Medical Officer
- STI: control, prevent, treat, and when possible ensure the cure of sexually transmitted infections.
- HIV: testing, counseling, and referral to treatment.
- TB: control, prevent the spread of, treatment and cure of tuberculosis.
- Vaccine clinics: clinics scheduled as necessary for outbreaks of infectious diseases such as TB, Pertussis, Hepatitis, MMRV, Meningitis, etc. ***This does not include routine vaccinations that are part of child and adult wellness care.**

- Participation in Local Emergency Preparedness Committees, Points of Dispensing exercises, and Board of Health meetings.

Community Health Nurses also provide access to optional services in underserved areas including family planning and reproductive health, preventive health care, breast and cervical cancer screenings, Early Periodic Screening Diagnosis and Treatment (EPSDT) screening, lead testing, laboratory tests, administration of recommended adult and child immunizations, topical fluoride varnish treatments, Women, Infants, and Children (WIC) services, flu clinics, community health fairs, outreach and education.

HISTORY

CHS receives funding from the following sources to provide mandated and optional services:

- Title V Maternal and Child Health Services Block Grant
- Title XX Social Services Block Grant
- Title X Family Planning Program (rates for services in this program were approved 09/07/18 and implemented 10/01/18)
- County Participation
- State General Fund
- Memorandum of Understanding (MOU)
 - Bureau of Behavioral Health, Wellness, and Prevention for Tuberculosis (TB) and Human Immunodeficiency (HIV) facility screening
 - Office of Public Health Informatics and Epidemiology (OPHIE) for Sexually Transmitted Infection (STI) screening
 - OPHIE for Nevada Tuberculosis Prevention, Elimination, and Control Program
 - Public Health Preparedness (PHP)

STAFF REVIEW

Attached is the updated fee schedule for Community Health Services and related supplies provided by agency staff. The list is inclusive of all services and supplies purchased by the program in the most recent operating years. The fee schedule indicates CPT codes, suggested fee to be billed to private insurance, and suggested fee to be billed to clients indicating the need to private pay for care. The last fee schedule was updated in 2009.

CHS maintains a schedule of discounts, to determine a patient's ability to pay for services and supplies received in a clinic, based on an income verification process.

The schedule of discounts will indicate a payment tier for patients based on their income. Income between 101%-250% of the Federal Poverty Level will be tiered as follows:

- Tier 1 = up to 100% FPL (pay zero)
- Tier 2 = 101% - 125% FPL (pay 25% charges)
- Tier 3 = 126% - 150% FPL (pay 50% charges)
- Tier 4 = 151% - 250% FPL (pay 75% charges)
- Tier 5 = >250 FPL (pay 100% charges)

Family Size	Tier 1 100%	Tier 2 125%	Tier 3 150%	Tier 4 250%	Tier 5 >250%
1	\$12,140	\$15,175	\$18,210	\$30,350	\$30,351
2	\$16,460	\$20,575	\$24,690	\$41,150	\$41,151
3	\$20,780	\$25,975	\$31,170	\$51,950	\$51,951
4	\$25,100	\$31,375	\$37,650	\$62,750	\$62,751
5	\$29,420	\$36,775	\$44,130	\$73,550	\$73,551
6	\$33,740	\$42,175	\$50,610	\$84,350	\$84,351
7	\$38,060	\$47,575	\$57,090	\$95,150	\$95,151
8	\$42,380	\$52,975	\$63,570	\$105,950	\$105,951
9	\$46,700	\$58,375	\$70,050	\$116,750	\$116,751
10	\$51,020	\$63,775	\$76,530	\$127,550	\$127,551
11	\$55,340	\$69,175	\$83,010	\$138,350	\$138,351
12	\$59,660	\$74,575	\$89,490	\$149,150	\$149,151

CHS currently uses a cost analysis methodology provided by the Family Planning National Training Center. This analysis includes review of items such as salaries of staff, administrative costs, supply costs, and service utilization numbers. The analysis then yields the average cost per service. This cost analysis should be completed every three years according to federal guidance.

The fee scale should generate sufficient income, along with other sources of revenue, to maintain the program. The fee schedule is expected to list every item that will result in a charge. The proposed fee schedule aligns with NAC 439.500 and Title X federal requirements.

Due to the length of time since the last cost analysis in 2009, and the significant increase in costs and resulting fee calculations, it is recommended to start the new rates paid by private pay clients at 25% of the fee schedule with the intention of gradually increasing fees in subsequent years. There were no

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rate decreases for those fees that were projected lower either by a lower base rate or the rate being lower than the 25% of the new proposed rate.

STAFF RECOMMENDATIONS

Due to the significant increase in costs since fees were last adjusted, an increase by a maximum of 25% of adjusted cost is recommended.

PUBLIC COMMENT

The proposed updated fee schedule for non-family planning services and related supplies has been posted in Community Health Nursing Clinics and County Offices. CHS will accept public comment related to this change prior to the Board of Health meeting on March 8, 2019.

SERVICE / PROCEDURE	CPT CODE	CURRENT FEE	PROPOSED FEE	Utilization	New Sliding Fee Schedule effective 7/1/19			
					**100%	75%	50%	25%
Colposcopy	57452	\$120.00	\$711.86	0	\$178.00	\$134.00	\$89.00	\$45.00
Biopsy/curette of cervix w/scope	57454	\$120.00	\$992.32	0	\$248.00	\$186.00	\$124.00	\$62.00
Immunization Administration (Gardasil)	90471	\$20.00	\$134.69	3716	\$34.00	\$26.00	\$17.00	\$9.00
Immunization admin each add	90472	\$20.00	\$83.35	2012	\$21.00	\$16.00	\$11.00	\$5.00
Immune admin oral/nasal	90473	\$20.00	\$134.69	86	\$34.00	\$26.00	\$17.00	\$9.00
Immune admin oral/nasal addl	90474	\$20.00	\$83.35	2	\$21.00	\$16.00	\$11.00	\$5.00
Hepa vaccine adult im	90632	\$22.00	\$408.83	0	\$102.00	\$77.00	\$51.00	\$26.00
Hepa vacc ped/adol 2 dose im	90633	\$14.00	\$395.94	0	\$99.00	\$74.00	\$50.00	\$25.00
Hep a/hep b vacc adult im	90636	\$50.00	\$616.50	147	\$154.00	\$116.00	\$77.00	\$39.00
Hib prp-t vaccine 4 dose im	90648	\$18.00	\$102.43	66	\$26.00	\$19.00	\$13.00	\$7.00
9vhpv vaccine	90651		\$1,002.95	0	\$251.00	\$188.00	\$125.00	\$63.00
Pcv13 vaccine im	90670	\$120.00	\$1,229.43	112	\$307.00	\$231.00	\$154.00	\$77.00
Rv5 vacc 3 dose live oral	90680	\$64.00	\$264.50	0	\$66.00	\$50.00	\$33.00	\$17.00
Rv1 vacc 2 dose live oral	90681	\$89.00	\$735.20	5	\$184.00	\$138.00	\$92.00	\$46.00
Dtap-ipv vaccine 4-6 yrs im	90696	\$36.00	\$629.90	0	\$157.00	\$118.00	\$79.00	\$39.00
Dtap-ipv/hib vaccine im	90698	\$80.00	\$590.87	0	\$148.00	\$111.00	\$74.00	\$37.00
Dtap vaccine < 7 yrs im	90700	\$16.00	\$298.68	0	\$75.00	\$56.00	\$38.00	\$19.00
Dt vaccine under 7 yrs im	90702	\$33.00	\$305.38	0	\$76.00	\$57.00	\$38.00	\$19.00
Mmr vaccine sc	90707	\$52.00	\$452.60	89	\$113.00	\$85.00	\$57.00	\$28.00
Mmr vaccine sc	90710	\$95.00	\$1,291.75	0	\$323.00	\$242.00	\$162.00	\$81.00
Poliovirus ipv sc/im	90713	\$27.00	\$408.00	38	\$102.00	\$77.00	\$51.00	\$26.00
Td vacc no presv 7 yrs+ im	90714	\$18.00	\$164.66	27	\$41.00	\$31.00	\$21.00	\$11.00
Tdap vaccine 7 yrs/> im	90715	\$31.00	\$197.59	307	\$49.00	\$37.00	\$25.00	\$12.00
Var vaccine live subq	90716	\$87.00	\$778.74	122	\$195.00	\$146.00	\$98.00	\$49.00
Dtap-hep b-ipv vaccine im	90723	\$53.00	\$954.75	233	\$239.00	\$179.00	\$120.00	\$60.00
Mcv4 menacwy vaccine im	90734	\$106.00	\$1,484.42	604	\$371.00	\$278.00	\$186.00	\$93.00
Shingrix	90750		\$705.93		\$176.00	\$132.00	\$88.00	\$44.00
Hepb vacc 2 dose adolesc im	90743	\$11.00	\$171.04	0	\$43.00	\$32.00	\$22.00	\$11.00
Hepb vacc 3 dose ped/adol im	90744	\$11.00	\$171.04	57	\$43.00	\$32.00	\$22.00	\$11.00
Hepb vaccine 3 dose adult im	90746	\$29.00	\$1,054.88	97	\$264.00	\$198.00	\$132.00	\$66.00
New Patient - Limited Exam	99202	\$86.00	\$490.16	39	\$123.00	\$92.00	\$62.00	\$31.00

New Patient - Intermediate Exam	99203	\$107.00	\$704.03	10	\$176.00	\$132.00	\$88.00	\$44.00
Continuing Patient - Limited Exam	99212	\$51.00	\$287.09	316	\$72.00	\$54.00	\$36.00	\$18.00
Continuing Patient - Intermediate Exam	99213	\$71.00	\$476.25	198	\$119.00	\$89.00	\$60.00	\$30.00
Continuing Patient - Comprehensive	99214	\$71.00	\$702.66	5	\$176.00	\$132.00	\$88.00	\$44.00
Continuing Patient - Complete	99215	\$71.00	\$946.99	1	\$237.00	\$178.00	\$119.00	\$59.00
Init pm e/m new pat infant	99381	\$96.00	\$723.94	7	\$181.00	\$136.00	\$91.00	\$45.00
Init pm e/m new pat 1-4 yrs	99382	\$96.00	\$756.06	12	\$181.00	\$136.00	\$91.00	\$45.00
Prev visit new age 5-11	99383	\$96.00	\$786.09	2	\$197.00	\$147.00	\$99.00	\$49.00
Preventive visit, new, 12-17	99384	\$96.00	\$887.36	3	\$222.00	\$167.00	\$111.00	\$56.00
Init pm e/m new pat 65+ yrs	99387	\$96.00	\$1,081.17	0	\$270.00	\$203.00	\$135.00	\$68.00
Per pm reeval est pat infant	99391	\$96.00	\$649.86	14	\$162.00	\$122.00	\$81.00	\$41.00
Prev visit est age 1-4	99392	\$96.00	\$693.56	73	\$173.00	\$130.00	\$87.00	\$43.00
Prev visit est age 5-11	99393	\$96.00	\$691.23	9	\$173.00	\$130.00	\$87.00	\$43.00
Preventive visit, est, 12-17	99394	\$96.00	\$758.05	9	\$190.00	\$143.00	\$95.00	\$48.00
Additional Services								
Topical fluoride varnish	D1206	\$26.00	\$137.85	0	\$34.00	\$26.00	\$17.00	\$9.00
Admin influenza virus vac	G0008	\$20.00	\$134.69	247	\$34.00	\$26.00	\$17.00	\$9.00
Oral med adm direct observe	H0033	\$28.00	\$25.15	92	\$28.00	\$21.00	\$14.00	\$7.00
TB Meds-Ethambutol (EMB)	NDCETH	\$35.00	\$2.68	0	\$35.00	\$27.00	\$18.00	\$9.00
TB Meds-INH (isoniazide)	NDCINH	\$3.00	\$7.57	0	\$3.00	\$2.00	\$2.00	\$1.00
TB Med-Priftin	NDCPRIF	\$77.00	\$24.24	0	\$77.00	\$58.00	\$39.00	\$19.00
TB Med-Pyridoxine Vit B6	NDCPYR	\$2.00	\$6.84	1	\$2.00	\$2.00	\$2.00	\$1.00
TB Meds-Pyrazinamide (PZA)	NDCPZA	\$30.00	\$31.42	0	\$30.00	\$23.00	\$15.00	\$8.00
TB Meds-Rifampin	NDCRIF	\$29.00	\$8.02	0	\$29.00	\$22.00	\$15.00	\$7.00
Education and Counseling								
Individual Preventive Counseling: Approx. 15 minu	99401	\$30.00	\$247.61	0	\$62.00	\$46.00	\$31.00	\$16.00
Individual Preventive Counseling: Approx. 30 minu	99402	\$40.00	\$411.04	0	\$103.00	\$77.00	\$52.00	\$26.00
Individual Preventive Counseling: Approx. 45 minu	99403	\$50.00	\$572.20	0	\$143.00	\$107.00	\$72.00	\$36.00
Individual Preventive Counseling: Approx. 60 minu	99404	\$60.00	\$735.66	0	\$184.00	\$138.00	\$92.00	\$46.00
In House Laboratory Services								
BLOOD DRAW/FINGER STICK (+G0001)	36415	\$13.00	\$19.15	155	\$13.00	\$10.00	\$7.00	\$3.00
Capillary blood draw (venipuncture)	36416	\$15.00	\$19.15	510	\$13.00	\$10.00	\$7.00	\$3.00
Urinalysis	81005	\$18.00	\$17.04	182	\$18.00	\$14.00	\$9.00	\$5.00
HEMOCCULT	82270	\$2.00	\$27.95	3	\$7.00	\$5.00	\$4.00	\$2.00

Assay of lead	83655	\$12.00	\$95.41	100	\$24.00	\$18.00	\$12.00	\$6.00
Assay of blood pku	84030	\$12.00	\$43.33	0	\$12.00	\$9.00	\$6.00	\$3.00
HEMAGLOBIN	85018	\$12.00	\$18.70	619	\$12.00	\$9.00	\$6.00	\$3.00
Tb intradermal test	86580	\$31.00	\$53.49	1042	\$31.00	\$23.00	\$16.00	\$8.00

** NOTE: The full rate on the new fee schedule is reduced by 75% to set the top tier of the sliding fee schedule, rates are then reduced by 75%, 50%, and 25% to set the rates for the remaining tiers.

Rates highlighted in blue will not have a rate reduction, these codes in which 25% of the new 2018 sliding fee schedule rate is less than the rates used for 2017 will remain at the full 2017 sliding fee schedule rate.