

STATE OF NEVADA

BRIAN SANDOVAL  
*Governor*

RICHARD WHITLEY, MS  
*Director, DHHS*



CODY L. PHINNEY, MPH  
*Administrator, DPBH*

JOHN DIMURO, D.O., MBA  
*Chief Medical Officer*

**DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH**

Public Health Preparedness  
4150 Technology Way, Suite 200  
Carson City, NV. 89706  
Telephone: (775) 684-4013 Fax: (775) 684-5951

November 7, 2016

**MEMORANDUM**

To: Mr. Brian Saeman, Chair  
State Board of Health

From: Erin Lynch, Health Program Manager II  
DPBH, Public Health Preparedness Program

Re: Consideration and adoption of proposed regulation pursuant to LCB File No. R067-16,  
Amendment to Nevada Administrative Code 629

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**PURPOSE OF AMENDMENT**

The proposed regulations add language in order to:

- Develop regulations as directed in Nevada Revised Statute (NRS) 629.490;
- Add language to address clarifications in the current regulatory structure; and
- Support the Governor's Strategic Planning Framework over-arching Priorities by implementing common sense regulations that protect the health and safety interests of all Nevadans, and at the same time minimize bureaucratic barriers to the industry's success.

**SUMMARY OF CHANGES TO THE NEVADA ADMINISTRATIVE CODE (NAC) 629**

- Clarify existing statutory language regarding:
  - Sponsoring Organization Registration
  - Approval Letter
- Add new definition for:
  - "Division Filing Officer"
- Address exemption of Sponsoring Organization Registration during a disaster.

## **PUBLIC COMMENT RECEIVED**

The Division of Public and Behavioral Health presented opportunities for the general public, the healthcare industry, and other stakeholders to provide input and comments regarding the proposed regulations.

The Division sent a Small Business Impact Questionnaire to all NRS 629.400 – 490 sponsoring organization registrants and statewide health care stakeholders on September 15, 2016 via the Nevada Health Alert Network (EMResource). Seven responses were received from over 1,300 questionnaires sent out.

The concern was raised as to how to process additional volunteer health care providers after the sponsoring organization registration was already approved by the Division for an event. In an effort to meet these concerns and continue to meet the overall goal of protection of public health, the Division reduced the time frame to one business day notice for additional volunteer health care providers, recognizing the credential of the volunteer health care provider would still need to be confirmed by the sponsoring organization. This may not be entirely possible in remote areas of Nevada with unreliable internet coverage.

A Public Workshop was conducted Friday, November 4, 2016, via teleconference, in Carson City at the Division of Public and Behavioral Health, 4150 Technology Way, Room 303 with approximately six attendees and two attendees provided testimony. Summation of comments taken from the Public Workshop minutes were as follows:

1. Concern about Section 2, Item 2, is too restrictive for Sponsoring Organizations operating in areas of extremely limited internet coverage.
2. Concern about Sponsoring Organizations using NRS 629.400 - 490 for healthcare services instead of solely NRS 450B.650 – 700 during an Emergency Medical Services at Special Events.

The Public Health Preparedness Program brought forth proposed amendments to the regulations addressing the concerns of the public workshop attendees, as these concerns were recorded from input from the Small Business Impact Questionnaire. The proposed amendments to the regulations were published on the DPBH website on October 3, 2016 as an Errata and document up for discussion at the Public Workshop. There were no opposing comments to the proposed amendments.

## **POSSIBLE OUTCOME IF PROPOSED AMENDMENT IS NOT APPROVED**

1. There will be greater potential for unregulated or unlicensed out-of-state providers of health care.
2. The Division will be in violation of NRS 629.490, which requires it to adopt regulations to carry out the provisions of NRS 629.400 to 629.490, inclusive.

## **STAFF RECOMMENDATION**

Staff recommends that the Division Administrator adopt the proposed regulation to NAC 629 Healing Arts Generally, Voluntary Health Care Service, LCB File No. R067-16, as presented including any errata sheets.

## **PRESENTER**

Malinda Southard  
Health Program Manager 1  
Public Health Preparedness Program  
Division of Public and Behavioral Health

Erin Lynch  
Health Program Manager 2  
Public Health Preparedness Program  
Division of Public and Behavioral Health

## **NOTICE OF PUBLIC HEARING**

Intent to Adopt Regulations  
(LCB File No. R067-16)

NOTICE IS HEREBY GIVEN that the State Board of Health will hold a public hearing to consider adoption of new regulations and amendments to Chapter 629 of Nevada Administrative Code (NAC). The NAC 629 regulation additions and amendments 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, December 9, 2016 at the following locations:

Division of Public & Behavioral Health 4150 Technology Way Room #303 Carson City, NV	Southern Nevada Health District 280 S. Decatur Red Rock Conference Room Las Vegas, NV	Division of Aging & Disability Services Early Intervention Services 1020 Ruby Vista Drive, Suite 102 Elko, NV
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The proposed changes to NAC 629 include the following:

- Develop regulations as directed in Nevada Revised Statute (NRS) 629.490;
  - Add language to address clarifications in the current regulatory structure; and
  - Support the Governor's Strategic Planning Framework over-arching priorities by implementing common sense regulations that protect the health and safety interests of all Nevadans, and at the same time minimize bureaucratic barriers to the industry's success.
1. Anticipated effects on the business which NAC 629 regulates:
    - A. *Adverse Effects:* The concern was raised as to how to process additional volunteer health care providers after the sponsoring organization registration was already approved by the Division for an event. In an effort to meet these concerns and continue to meet the overall goal of protection of public health, the Division reduced the time frame to one business day notice for additional volunteer health care providers, recognizing the credential of the volunteer health care provider would still need to be confirmed by the sponsoring organization. This may not be entirely possible in remote areas of Nevada with unreliable internet coverage.
    - B. *Beneficial:* Clearly outlines the requirements needed for a sponsoring organization to register with the Division and ensures any additional volunteers meet the requirements.
    - C. *Immediate:* The stated adverse and beneficial effects would be immediate impacts as soon as the proposed regulations become effective.
    - D. *Long-Term:* The long-term impacts would be the same as the immediate impacts.
  2. Anticipated effects on the public:
    - A. *Adverse Effects:* None anticipated.
    - B. *Beneficial:* Increased public health and safety.
    - C. *Immediate:* Increased public health and safety.
    - D. *Long-Term:* Increased public health and safety.

3. There are no additional estimated costs to the Division of Public and Behavioral Health for enforcement of the regulations.
4. The proposed regulations do not add or increase any fee.
5. The proposed regulations do not overlap or duplicate any other Nevada state regulations.
6. The methods used by the Division in considering small businesses are detailed in the Small Business Impact Statement.
7. 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 an against it adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

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 November 30, 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 or inspection and/or may be copied at the following locations during normal business hours:

Division of Public and Behavioral Health  
4150 Technology Way, Suite 200  
Carson City, NV 89706

Division of Public and Behavioral Health  
3811 W. Charleston Blvd., Suite 104  
Las Vegas, NV 89102

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

Copies may be obtained in person, by mail or by calling the Public Health Preparedness Program at (775) 684-5948 in Carson City.

A copy of the regulations and small business impact statement can also be found on-line by going to:

[http://dpbh.nv.gov/Programs/PHP/dta/Statutes/Public\\_Health\\_Preparedness\\_\(PHP\)\\_-\\_Statutes/](http://dpbh.nv.gov/Programs/PHP/dta/Statutes/Public_Health_Preparedness_(PHP)_-_Statutes/)

A copy of the public hearing notice can also be found on the Legislative Council Bureau's web page: <https://www.leg.state.nv.us/App/Notice/A/>

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  
1401 East Flamingo Road  
Las Vegas, NV 89119

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  
80 South Monroe Street  
Eureka, NV 89316-0283

Henderson District Public Library  
280 South Green Valley Parkway  
Henderson, NV 89012

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

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

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

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

Mineral County Library  
110 1<sup>st</sup> Street  
Hawthorne, NV 89415-1390

Pahrump Library District  
701 East Street  
Pahrump, NV 89041-0578

Pershing County Library  
1125 Central Avenue  
Lovelock, NV 89419-0781

Storey County Library  
95 South R Street  
Virginia City, NV 89440-0014

Tonopah Public Library  
167 Central Street  
Tonopah, NV 89049-0449

Washoe County Library  
301 South Center Street  
Reno, NV 89505-2151

White Pine County Library  
950 Campton Street  
Ely, NV 89301-1965

**PROPOSED REGULATION OF  
THE DIVISION OF PUBLIC AND BEHAVIORAL HEALTH OF  
THE DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**LCB File No. R067-16**

**November 4, 2016**

EXPLANATION – Matter in *italics* is new as of November 4, 2016; matter in brackets ~~[omitted material]~~ is material to be omitted.

**Section 1.** Chapter 629 of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3, and 4 of this regulation.

**Section 2:**

*(1.) Not less than 10 business days before organizing or arranging for the provision of voluntary health care service in this State, a sponsoring organization must register with the Division pursuant to NRS 629.460 by submitting to the Division a form prescribed by the Division. The Division shall have 5 business days from receipt of registration to approve or deny the Sponsoring Organization Registration. In addition to the information required by subsection 1 of NRS 629.460, the form must:*

- (a.) State the address of the physical location at which the voluntary health care service will be provided;*
- (b.) State the dates and times during which the voluntary health care service will be provided;*

*(c.) Identify each provider of health care intending to provide voluntary health care service for the sponsoring organization, including, without limitation:*

*(1.) The name and profession of the provider of health care; and*

*(2.) The number, expiration date and state of issuance of the professional license of the provider of health care; and*

*(d.) Describe each type of voluntary health care service to be provided.*

*(2.) If a provider of health care not identified pursuant to paragraph (c.) of subsection (1.) intends to provide voluntary health care service for the sponsoring organization after the registration form has been submitted to the Division, the sponsoring organization must provide to the Division, electronically and not later than 1 business day after being informed that the provider of health care intends to provide voluntary health care service for the sponsoring organization, the information set forth in paragraph (c.) of subsection (1.) for each provider of health care.*

*(3.) Upon review and approval of the registration form, the Division will provide the sponsoring organization an approval letter signed by the Division Filing Officer for the voluntary health care service to be provided. A copy of the signed and dated approval letter must be made available for inspection by the Division upon request on the date of an event at which voluntary health care service is being provided.*

*(4.) As used in this section, "Division Filing Officer" means an employee of the Division authorized to review all registration, reporting and supporting documentation from the*



*sponsoring organization required pursuant to sections 1 and 2 of this policy and NRS 629.400 to 629.490, inclusive.*

**Section 3:**

*If no provider of health care provided voluntary health care service in association with a sponsoring organization during the immediately preceding calendar quarter, the sponsoring organization is not required to submit the quarterly report required by paragraph (b) of subsection 2 of NRS 629.460.*

**Section 4:**

*Use of voluntary health care service during a disaster does not require a letter of approval for the purposes of this regulation.*

## **SMALL BUSINESS IMPACT STATEMENT 2016**

### **PROPOSED AMENDMENTS TO NAC 629: HEALING ARTS GENERALLY; VOLUNTARY HEALTH CARE SERVICE**

**LCB File No. R067-16**

Based on the response received regarding the Small Business Impact Questionnaire, the Division of Public and Behavioral Health (DPBH) has determined that the 2016 proposed regulations for NAC 629 should not have any adverse economic effect upon a small business or negatively affect the formation, operation, or expansion of a small business in Nevada.

A small business is defined in Nevada Revised Statutes NRS 233B as a “business conducted for profit which employs fewer than 150 full-time or part-time employees.

The small business impact statement complies with the requirements of NRS 233B.0608 (3) and complies with the requirements of NRS 233B.0609. As required by NRS 233B.0608(3), this statement identifies the methods used by the agency in determining the impact of the proposed regulation on a small business in sections 1, 2, 3, and 4 below and provide the reasons for the conclusions of the agency in section 8 below followed by the certification by the person responsible for the agency.

- 1) A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.**

#### **Background**

During the 2013 Legislature (77<sup>th</sup> Nevada Legislature), Assembly Bill 228 was passed in the interest of the Health Division of the Department of Health and Human Services. AB 228 authorizes a provider of health care who is licensed or certified in this State or in another state or territory to provide voluntary health care services without compensation if those services are provided in association with a sponsoring organization. The bill requires a sponsoring organization to register with the Health Division of the Department of Health and Human Services and file quarterly reports containing information on the services delivered by voluntary health care providers. This bill was heard in the 2013 legislative session and public input was elicited and taken into consideration by the legislatures. This bill was effective June 6, 2013 for the purpose of adopting regulations and carrying out preparatory administrative tasks and on October 1, 2013 signed into statute by Governor Sandoval.

**Pursuant to NRS 233B.0608 (2)(a), the Division of Public and Behavioral Health has requested input from stakeholders that are likely to be affected by the proposed regulation.**

A Small Business Impact Questionnaire was sent to all NRS 629.400-490 sponsoring organization registrants and statewide health care stakeholders along with a copy of the proposed regulation changes, on September 15, 2016. The questions on the questionnaire were:

- 1) How many employees are currently employed by your business?
- 2) Will a specific regulation have an adverse economic effect upon your business?
- 3) Will the regulation(s) have any beneficial effect upon your business?
- 4) Do you anticipate any indirect adverse effects upon your business?
- 5) Do you anticipate any indirect beneficial effects upon your business?

### **Summary of Response**

<p style="text-align: center;"><b>Summary of Comments Received</b></p> <p style="text-align: center;"><b>7 Responses were received out of the 1,353 SBIQs sent out</b></p> <p style="text-align: center;"><u>Small Business Impact Questionnaires distributed:</u></p> <ul style="list-style-type: none"> <li>• Nevada Health Alert Network (HAN) EMResource Alert System Notification = 1,100</li> <li>• Inter-Hospital Coordinating Council = 2</li> <li>• Douglas County Healthcare Coalition = 90</li> <li>• Southern Nevada Healthcare Coalition = 100</li> <li>• Rural Healthcare Preparedness Partners = 48</li> <li>• Burning Man = 4</li> <li>• Remote Area Medical = 4</li> <li>• Medical Reserve Corps Unit Leaders = 4</li> </ul> <p style="text-align: center;">2 responses did not directly respond to the SBIQ</p>			
<b>Will a specific regulation have an adverse economic effect upon your business?</b>	<b>Will the regulation(s) have any beneficial effect upon your business?</b>	<b>Do you anticipate any indirect effects upon your business?</b>	<b>Do you anticipate any indirect beneficial effects upon your business?</b>
0 – Yes	0 – Yes	0 – Yes	0 – Yes
3 – No	3 – No	3 – No	3 – No

**2) Describe the manner in which the analysis was conducted.**

Analysis was conducted by the Nevada Public Health Preparedness (PHP) Program staff using a spreadsheet formatted to quantify total responses and comments. Throughout the Small Business Impact process, the Division has made a concerted effort to determine all impacts, mitigate the adverse ones and enhance the beneficial ones.

**3) The estimated economic effect of the proposed regulation on the small business which it is to regulate including, without limitation both adverse and beneficial effects and both direct and indirect effects.**

At this time, there is no estimated economic effect of the proposed regulation on the small business which it is to regulate.

**4) Provide a description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.**

The Division of Public and Behavioral Health has held several opportunities for the public, sponsoring organizations, and the health care community to provide input and comments regarding the proposed regulations and the impacts that could result upon implementation. Modifications to the proposed regulations have been made as a result of this input in the form of an Errata. A public workshop will be held on November 4, 2016 allowing for further input regarding the proposed regulations and how they will impact the public, sponsoring organizations, and the health care community. These comments will be taken into consideration for possible further revisions to the regulations to reduce the economic impact on facilities.

**5) The estimated cost to the agency for enforcement of the proposed regulation.**

At this time, there is no additional cost to the agency for enforcement of the proposed regulation.

**6) If the proposed regulation provides a new fee or increases an existing fee, the total annual amount DPBH expects to collect and the manner in which the money will be used.**

At this time, is no funding attached to this proposed regulation.

**7) An explanation of why any duplicative or more stringent provisions than federal, state or local standards regulating the same activity are necessary.**

At this time, there is no duplicative provisions or more stringent provisions due to no federal, state, or local standards and regulations being set.

**8) Provide a summary of the reasons for the conclusions of the agency regarding the impact of a regulation on small businesses.**

The agency concludes the proposed regulations will produce no effect on small businesses, as the proposed language does not impose any fees, nor exclusory language. Of the small businesses that responded to the small business impact questionnaire regarding proposed regulations to NAC 629: Healing Arts Generally, Voluntary Health Care Service, there were no effects noted and no comments offered. Similarly, comments received by those representatives of larger businesses, there was concern that the requirement in Section 2, item 2: in the event the sponsoring organization has already submitted and received approval of registration and would like to add additional licensed, out-of-state volunteers to the registration, the sponsoring organization must notify the Division electronically not less than 1 business day after being informed of the addition. This may not be entirely possible in remote areas of Nevada with unreliable internet coverage. The Division will include language in the Errata that if electronic communication is not possible, to notify the Division by telephone with all required information. The concern was also raised by a health care facility that in Section 2, item 3 should be clarified to state "Upon review and approval of the registration form..." rather than "Upon receipt of the registration form..." in order to remove any confusion of whether the Division may deny a sponsoring organization registration.

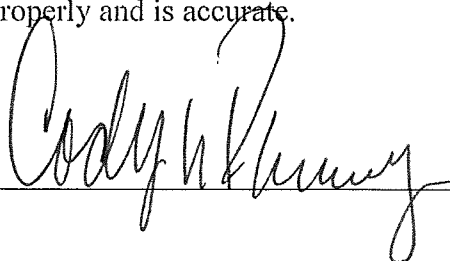
Any other persons interested in obtaining a copy of the summary may e-mail, call, or mail in a request to Malinda Southard at the Division of Public and Behavioral Health at:

Division of Public and Behavioral Health  
4150 Technology Way, Suite 200  
Carson City, NV 89701  
Malinda Southard, Healthcare Preparedness Program Manager  
Phone: (775) 684-4039  
Email: [msouthard@health.nv.gov](mailto:msouthard@health.nv.gov)

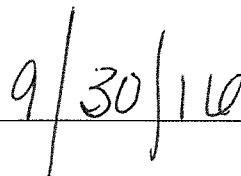
**Certification by Person Responsible for the Agency**

I, Cody L. Phinney, Administrator of the Division of Public and Behavioral Health certify to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and the information contained in this statement was prepared properly and is accurate.

Signature



Date:



STATE OF NEVADA

BRIAN SANDOVAL  
*Governor*

RICHARD WHITLEY, MS  
*Director, DHHS*



CODY L. PHINNEY, MPH  
*Administrator, DPBH*

JOHN DIMURO, D.O., MBA  
*Chief Medical Officer*

**DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH**

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4150 Technology Way, Suite 200  
Carson City, NV 89706  
Telephone: (775) 684-4013 Fax: (775) 684-5951

**NOTICE OF PUBLIC WORKSHOP**

NOTICE IS HEREBY GIVEN, the Nevada Division of Public and Behavioral Health will hold a public workshop to consider amendments to Nevada Administrative Code (NAC) 629. The workshop will be conducted on site and teleconference beginning at 9:00AM on November 4, 2016, at the following locations:

Division of Public and Behavioral Health 4150 Technology Way Room 303 Carson City, Nevada 89706	Teleconference: (775) 887-5619 Conference number: 2000# Conference PIN: 1104#
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This workshop will be conducted in accordance with NRS 241.020, Nevada's Open Meeting Law. The proposed addition of regulations in LCB File No. R067-16 implement requirements of NRS 629.490: The Division shall adopt regulations to carry out the provisions of NRS 629.400 to 629.490, inclusive.

**AGENDA**

1. Introduction of workshop process
2. Presentation on the 2016 proposed regulations for NAC 629: Healing Arts Generally, Voluntary Health Care Service and the Small Business Impact Statement
3. Public Comment Regarding proposed regulations contained in LCB File No. R067-16 and errata
4. Public Comment

A copy of the 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. Emergency Medical Systems, 1020 Ruby Vista Drive, Ste. 102, Elko
4. Washoe County District Health Department, Ninth and Wells Street, Reno
5. Rawson-Neal Psychiatric Hospital, 1650 Community College Drive, Las Vegas
6. Nevada Early Intervention Services, 3811 W. Charleston Blvd. Ste. 112, Las Vegas

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 Malinda Southard, Division of Public and Behavioral Health:

Division of Public and Behavioral Health  
4150 Technology Way, Suite 200  
Carson City, NV 89706-2009  
FAX (775) 684-5951

A copy of the proposed regulations and workshop information can be found online by going to the Division of Public and Behavioral Health website:

[http://dpbh.nv.gov/Programs/PHP/dta/Statutes/Public\\_Health\\_Preparedness\\_\(PHP\)\\_-Statutes/](http://dpbh.nv.gov/Programs/PHP/dta/Statutes/Public_Health_Preparedness_(PHP)_-Statutes/)

Copies may be obtained in person, by mail, or calling (775) 684-4039.

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  
210 South Monroe Street  
Eureka, NV 89316-0283

Henderson District Public Library  
280 South Water Street  
Henderson, NV 89105

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

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

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

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

Mineral County Library  
110 1st Street  
Hawthorne, NV 89415-1390

Pahrump Library District  
701 East Street  
Pahrump, NV 89041-0578

Pershing County Library  
1125 Central Avenue  
Lovelock, NV 89419-0781

Storey County Library  
95 South R Street  
Virginia City, NV 89440-0014

Tonopah Public Library  
167 Central Street  
Tonopah, NV 89049-0449

Washoe County Library  
301 South Center Street  
Reno, NV 89505-2151

White Pine County Library  
950 Campton Street  
Ely, NV 89301-1965

Per NRS 233B.105(2), upon adoption of any regulations, the agency, if requested to do so by a small business, either prior to adoption or within 90 days thereafter, shall issue a petition based on the following grounds:

- The agency failed to prepare a small business impact statement as required pursuant to NRS 233B.0608 and 233B.0609; or
- (b) The small business impact statement prepared by the agency pursuant to NRS 233B.0608 and 233B.0609 is inaccurate, incomplete or did not adequately consider or significantly underestimated the economic effect of the regulation on small businesses.

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 principle reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.