

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the State Board of Health will hold a public hearing to consider adoption of new regulations Nevada Administrative Code (NAC) Chapter 449 in LCB File No. R133-15 with errata (community health worker pools). This public hearing is to be held in conjunction with the State Board of Health meeting on September 08, 2017. The proposed adoption of the regulations will be heard in 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 September 08, 2017 at the following locations:

Division of Public and Behavioral Health 4150 Technology Way Conference Room #303 Carson City, NV 89706	Southern Nevada Health District, Red Rock Trail Room A & B 280 South Decatur Blvd. Las Vegas, NV 89107	Division of Aging and Disability Services Early Intervention Services 1020 Ruby Vista Drive, Suite 102 Elko, NV
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The proposed regulations provide provisions for the following:

- 1) Establishing the requirements governing the licensing and operation of community health worker pools; establishing the qualifications and duties of administrators of such pools and their designees; establishing the qualifications and training required of persons employed by such pools to provide community health services; and establishing the fees that the Division of Public and Behavioral Health of the Department of Health and Human Services will charge for the issuance and renewal of a license to operate a community health worker pools.
- 2) Each community health worker pool must establish policies and procedures for provided service needs of their clients, fiscal accounting and reporting, maintaining of client records, and protection of clients from abuse, neglect, exploitation, and isolation or abandonment of their clients. Policies must also be created for employee qualifications, responsibilities, duties, prohibitions and conditions of employment. Policies must also include the rights of the clients and client confidentiality.
- 3) The community health worker pools must establish descriptions of their support services and client service plans, services provided by contract, coordination with other community services, and emergency responses.
- 4) Separate client and employee files must be maintained and made available for state inspector's review. Evidence that persons providing community health worker pools services are screened for communicable diseases per NAC 441A.375, background

checked per NRS 449.123, and obtain a certificate for first aid and cardiopulmonary resuscitation.

- 5) The facility staff maintains sufficient liability insurance if transporting a client by motor vehicle.
- 6) Maintaining evidence of staff training and continuing education.
- 7) The administrator's responsibilities for patient rights as described in NRS 449.700 to 449.730, responses to grievances, incidents and complaints, and allows for clients to speak with persons that advocate the rights of the clients.

1. Anticipated effects on the business which NAC 449 regulates:

- A. *Adverse effects:* None.
- B. *Beneficial:* The regulations provides structure and standardization for community health worker pools.
- C. *Immediate:* The regulations would guide proposed community health worker pools of features necessary for successful business operations.
- D. *Long-term:* There would be consistent community health worker pools services within the state.

2. Anticipated effects on the public:

- A. *Adverse:* None.
- B. *Beneficial:* Recipients of community health worker pool services would find structured administration of care, protections in place for that care, and remedies if the care is not provided in the interest of the clients.
- C. *Immediate:* Persons that propose to offer community health worker pool services would become licensed.
- D. *Long-term:* There would be an increase of licensed community health worker pools in Nevada.

3. The estimated cost to the Division of Public and Behavioral Health for enforcement of the proposed regulations is estimated to be an initial fee of \$1000.00 and an annual renewal fee of \$500.00. These fees are currently set in regulations and would be used to cover the costs to enforce the proposed regulations.

The proposed regulations do not overlap or duplicate any other Nevada state 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 August 18, 2017 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:

Nevada Division of Public and Behavioral Health  
727 Fairview Drive, Suite E  
Carson City, NV 89701

Nevada State Library  
100 Stewart Street  
Carson City, NV 89701

Nevada Division of Public and Behavioral Health  
4220 S. Maryland Parkway, Suite 810, Building D  
Las Vegas, NV 89119

A copy of the regulations and small business impact statement can be found on-line by going to:  
<http://dpbh.nv.gov/Boards/BOH/Regulations/Regulations/>

A copy of the public hearing 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.

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

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.

**PROPOSED REGULATION OF THE  
STATE BOARD OF HEALTH**

**LCB File No. R133-15**

March 10, 2016

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

**AUTHORITY:** §§1-15, NRS 449.0302, as amended by section 8 of Senate Bill No. 498, chapter 384, Statutes of Nevada 2015, at page 2173; §17, NRS 439.150, 449.0302, as amended by section 8 of Senate Bill No. 498, chapter 384, Statutes of Nevada 2015, at page 2173, and NRS 449.050.

A REGULATION relating to health; establishing the requirements governing the licensing and operation of community health worker pools; establishing the qualifications and duties of administrators of such pools; establishing the qualifications and training required of community health workers; establishing the fees that the Division of Public and Behavioral Health of the Department of Health and Human Services will charge for the issuance and renewal of a license to operate a community health worker pool; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law includes a community health worker pool within the definition of a facility for the dependent. (NRS 449.0045, as amended by section 5.5 of Senate Bill No. 498, chapter 384, Statutes of Nevada 2015, at page 2172) Existing law generally requires a person, state or local government or agency to obtain a license from the Division of Public and Behavioral Health of the Department of Health and Human Services to operate a community health worker pool before providing the services of a community health worker. (Section 4 of Senate Bill No. 498, chapter 384, Statutes of Nevada 2015, at page 2172, NRS 449.030, as amended by section 7 of Senate Bill No. 498, chapter 384, Statutes of Nevada 2015, at page 2172, NRS 449.040) Existing law further provides that the requirement to obtain a license as a community health worker pool does not apply to a person who is licensed as a facility for the dependent or medical facility who employs community health workers. (Section 4 of Senate Bill No. 498, chapter 384, Statutes of Nevada 2015, at page 2172)

**Section 8** of this regulation provides that, with certain exceptions, a license to operate a community health worker pool applies to a specific location. **Section 8** also requires a community health worker pool to retain proof that it maintains adequate coverage against liabilities resulting from claims incurred in the course of operation.

Existing regulations define an "administrator" as the person responsible for the day-to-day management of a facility for the dependent. (NAC 449.0022, 449.0034) **Section 9** of this

regulation sets forth the qualifications and duties of an administrator of a community health worker pool. **Section 9** also requires such an administrator to appoint a designee to act in his or her absence.

**Section 10** of this regulation requires a community health worker pool to maintain written policies and procedures concerning the qualifications, responsibilities and conditions of employment for each community health worker and other members of the staff.

**Section 11** of this regulation sets forth the qualifications that a community health worker employed or retained pursuant to a contract by a community health worker pool is required to satisfy.

**Section 12** of this regulation requires a separate personnel file to be maintained for each community health worker employed or retained pursuant to a contract by a community health worker pool and sets forth the required contents of such a file.

**Section 13** of this regulation requires a community health worker employed or retained pursuant to a contract by a community health worker pool to have certain knowledge and training as a prerequisite to providing the services of a community health worker to a client.

**Section 14** of this regulation: (1) sets forth certain rights of the clients of a community health worker pool; (2) sets forth the duties of the administrator of a community health worker pool with regard to those rights; and (3) requires a community health worker pool to develop and provide a written description of those rights to each client or representative of the client.

Existing law authorizes the State Board of Health to set reasonable fees for the licensing, registration, certification and inspection of, and the granting of permits for, any facility, establishment or service regulated by the Division. (NRS 439.150, 449.050) **Section 17** of this regulation prescribes fees for an applicant for a license to operate a community health worker pool or to renew such a license.

**Section 1.** Chapter 449 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 15, inclusive, of this regulation.

**Sec. 2.** *As used in sections 2 to 15, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this regulation have the meanings ascribed to them in those sections.*

**Sec. 3.** *“Client” means a person who receives the services of a community health worker.*

Sec. 4. *“Continuing education” means a course of study or training that is designed to develop and enhance the knowledge, skills and competency of a community health worker with regard to providing the services of a community health worker to a client.*

Sec. 5. *“Representative of the client” means the spouse of a client, a parent or stepparent of a client who is a minor, the legal guardian of a client and any other person required by law to provide medical support to a client.*

Sec. 6. *“Service plan” means a plan which includes a written description of the needs of a client for the services of a community health worker and which specifies the tasks that a community health worker is authorized to provide for the client.*

Sec. 7. *“Services of a community health worker” means the services provided by a community health worker at the direction of a community health worker pool which may include, without limitation, outreach, community education, informal counseling, social support, advocacy and improvement of the social determinants of health.*

Sec. 8. 1. *Except as otherwise provided in this subsection, each license issued to operate a community health worker pool is separate and distinct and is issued to a specific person, who is designated on the license, to operate the community health worker pool at a specific location. The person may operate a community health worker pool at multiple work stations if the community health worker pool maintains the records for the clients, community health workers, other members of the staff of the community health worker pool and operations of the community health worker pool at the specific location designated on the license.*

2. *The name of the administrator of the community health worker pool must appear on the face of the license.*

3. *Each community health worker pool must retain proof that it is adequately covered against liabilities resulting from claims incurred in the course of operation.*

4. *The proof of liability coverage required by subsection 3 must be verified at the time the community health worker pool submits its initial application to the Division for a license and upon request by the Division.*

5. *As used in this section, “work station” means a satellite office of a community health worker pool that is established for the sole purposes of providing a location where copies of records may be sent to a community health worker pool and providing a location from which a community health worker may work to serve a geographic area outside the geographic area in which the community health worker normally works.*

**Sec. 9. 1. *The administrator of a community health worker pool must:***

*(a) Be at least 18 years of age;*

*(b) Have a high school diploma or its equivalent;*

*(c) Be responsible and mature and have the personal qualities which will enable the administrator to understand the problems relating to the prevention and management of chronic disease, the social determinants of health, the field of behavioral health and community services;*

*(d) Understand the provisions of this chapter and chapter 449 of NRS; and*

*(e) Demonstrate the ability to read, write, speak and understand the English language.*

2. *The administrator of a community health worker pool shall represent the licensee in the daily operation of the community health worker pool and shall appoint a person to exercise his or her authority in the administrator’s absence. The responsibilities of an administrator include, without limitation:*



- (a) Employing qualified personnel and arranging for their training;*
- (b) Ensuring that only trained community health workers are providing the services of a community health worker to a client of the community health worker pool and that such services are provided in accordance with the functional assessment of the client, the service plan established for the client and the policies and procedures of the community health worker pool;*
- (c) Developing and implementing an accounting and reporting system that reflects the fiscal experience and current financial position of the community health worker pool;*
- (d) Negotiating for services provided by contract in accordance with legal requirements and established policies of the community health worker pool;*
- (e) Providing oversight and direction for community health workers and other members of the staff of the community health worker pool as necessary to ensure that the clients of the community health worker pool receive needed services;*
- (f) Developing and implementing policies and procedures for the community health worker pool, including, without limitation, policies and procedures concerning terminating the services of a community health worker provided to a client;*
- (g) Designating one or more employees of the community health worker pool to be in charge of the community health worker pool during those times when the administrator is absent;*
- (h) Demonstrating to the Division upon request that the community health worker pool has sufficient resources and the capability to satisfy the requests of each client of the community health worker pool related to the provision of the services of a community health worker described in the service plan to the client; and*

*(i) Providing an annual report to the Division, on a form prescribed by the Division, on or before January 1 of each year after the initial licensure of the community health worker pool.*

*3. Except as otherwise provided in this subsection, an employee designated to be in charge of the community health worker pool when the administrator is absent must have access to all records kept at the community health worker pool. Confidential information may be removed from a file to which an employee designated to be in charge of the community health worker pool has access if the confidential information is maintained separately by the administrator.*

*4. The administrator of a community health worker pool shall ensure that:*

*(a) The clients of the community health worker pool are not abused, neglected, exploited, isolated or abandoned by a community health worker or another member of the staff of the community health worker pool, or by any person who is visiting the client when a community health worker or another member of the staff of the community health worker pool is present; and*

*(b) Suspected cases of abuse, neglect, exploitation, isolation or abandonment of a client are reported in the manner prescribed in NRS 200.5093, as amended by section 4 of Assembly Bill No. 223, chapter 174, Statutes of Nevada 2015, at page 806, and section 13 of Senate Bill No. 498, chapter 384, Statutes of Nevada 2015, at page 2178, NRS 200.50935, as amended by section 5 of Assembly Bill No. 223, chapter 174, Statutes of Nevada 2015, at page 808, and NRS 632.472, as amended by section 15 of Senate Bill No. 498, chapter 384, Statutes of Nevada 2015, at page 2181.*

**Sec. 10. A community health worker pool shall maintain written policies and procedures concerning the qualifications, responsibilities and conditions of employment for each community health worker and other members of the staff of the community health worker pool. The written policies and procedures must be reviewed and revised as needed. The written policies and procedures must be made available to the community health workers and other members of the staff of the community health worker pool upon hire and whenever revisions are made to those policies and procedures. At a minimum, the policies and procedures must:**

- 1. Provide descriptions of the duties and responsibilities of community health workers;**
- 2. Provide descriptions of any activities that community health workers are prohibited from engaging in, including, without limitation:**
  - (a) Making a long distance telephone call that is personal in nature:**
    - (1) On a telephone owned by or provided by a client; or**
    - (2) While on duty providing the services of a community health worker to a client;**
  - (b) Loaning, borrowing or accepting gifts of money or personal items from a client;**
  - (c) Accepting or retaining money or gratuities from a client, other than money needed for the purchase of groceries or medication for the client; and**
  - (d) Becoming the legal guardian of a client or being named as an attorney-in-fact in a power of attorney executed by the client;**
- 3. Set forth the rights of clients;**
- 4. Set forth any requirements relating to ethics governing community health workers and other members of the staff of the community health worker pool, including, without limitation, any requirements concerning the confidentiality of client information;**

5. *Provide a description of the services of a community health worker that are provided to clients;*

6. *Provide a description of the manner in which the community health worker pool assigns community health workers to provide the services of a community health worker to clients and any supervision of those services that will be provided by the community health worker pool;*

7. *Provide for documentation of the needs of each client and the services of a community health worker that are provided to the client;*

8. *Set forth the emergency responses of the community health worker pool to both medical and nonmedical situations;*

9. *Set forth the roles of the community health worker pool and any coordination that the community health worker pool will provide with services provided by other community service agencies;*

10. *Provide for periodic evaluations of the performance of the community health workers and other members of the staff of the community health worker pool;*

11. *Provide for the maintenance of current personnel records which confirm that the policies and procedures are being followed; and*

12. *Set forth any other specific information that is necessary based on the needs of any special populations served by the community health worker pool.*

**Sec. 11.** *Each community health worker employed or retained pursuant to a contract by a community health worker pool must:*

1. *Be at least 18 years of age;*

2. *Demonstrate the ability to provide the services of a community health worker;*

3. *Understand the provisions of this chapter and chapter 449 of NRS;*
4. *Demonstrate the ability to read, write, speak and communicate effectively with the clients of the community health worker pool;*
5. *Provide to the community health worker pool and maintain documentation of either:*
  - (a) *A certificate of completion evidencing the successful completion of an initial training course for community health workers which is not less than 72 hours and is approved by the Division; or*
  - (b) *Certification as a community health worker by an accrediting body approved by the Division;*
6. *Demonstrate the ability to meet the needs of the clients of the community health worker pool; and*
7. *Receive annually not less than 20 hours of continuing education related to providing for the needs of the clients of the community health worker pool.*

**Sec. 12. 1.** *A separate personnel file must be kept for each community health worker employed or retained pursuant to a contract by a community health worker pool and must include, without limitation:*

- (a) *The name, address and telephone number of the community health worker;*
- (b) *The date on which the community health worker began working for the community health worker pool;*
- (c) *Documentation satisfactory to the Division that the community health worker pool has had the tests or obtained the certification required by paragraph (a) of subsection 3 of NAC 441A.375;*

*(d) Evidence of compliance with NRS 449.123 by the administrator of the community health worker pool or the person licensed to operate the community health worker pool with respect to the community health worker;*

*(e) Proof that, within 6 months after the community health worker began working for the community health worker pool, the community health worker obtained a certificate in first aid and cardiopulmonary resuscitation issued by the American National Red Cross or an equivalent certificate approved by the Division and proof that such certification has been maintained current;*

*(f) Proof that the community health worker is at least 18 years of age;*

*(g) Proof of possession by the community health worker of at least the minimum liability insurance coverage required by state law if the community health worker will be providing transportation to a client in a motor vehicle;*

*(h) Documentation of each initial training course and continuing education attended by the community health worker; and*

*(i) Documentation of the performance evaluations of the community health worker.*

*2. The documentation described in paragraph (h) of subsection 1 must include, without limitation, for each initial training course and continuing education attended by the community health worker:*

*(a) The name of the training course or continuing education;*

*(b) The date on which the training course or continuing education was attended;*

*(c) The number of hours of the training course or continuing education;*

*(d) The name of the instructor of the training course or continuing education; and*

*(e) A certificate of completion or another certificate indicating that the training course or continuing education was successfully completed by the community health worker.*

**Sec. 13. 1.** *Each community health worker employed or retained pursuant to a contract by a community health worker pool shall:*

*(a) Obtain a working knowledge of the provisions of this chapter which govern the licensing of community health worker pools before providing the services of a community health worker to the clients of the community health worker pool. The community health worker pool must provide a copy of those provisions to a community health worker before the community health worker may provide the services of a community health worker to the clients of the community health worker pool.*

*(b) Participate in and complete a training program before independently providing the services of a community health worker to the clients of the community health worker pool. The training program must include an opportunity for the community health worker to receive on-the-job instruction provided to clients of the community health worker pool, as long as the administrator of the community health worker pool or the administrator's designee provides supervision during this instruction to determine whether the community health worker is able to provide the services of a community health worker successfully and independently to the client.*

*(c) Receive training:*

*(1) In the written documentation of:*

*(I) The services provided by the community health worker to the clients of the community health worker pool; and*

*(II) Verification of time records.*

*(2) In the core competencies, roles, values, scope of practice and ethics of a community health worker that are consistent with guidelines of the American Public Health Association or an equivalent association approved by the Division.*

*(3) In the rights of clients, including, without limitation, training in methods to protect client confidentiality pursuant to state and federal regulations.*

*(4) Related to outreach, community education, informal counseling, social support, advocacy and improvement of the social determinants of health.*

*(5) Related to communication skills, including, without limitation, active listening, problem solving, conflict resolution and techniques for communicating through alternative modes with persons with communication or sensory impairments.*

*2. Each community health worker of a community health worker pool must:*

*(a) Be evaluated and determined to be competent by the community health worker pool in the required areas of training set forth in paragraph (c) of subsection 1.*

*(b) Have evidence of successful completion of a training program that includes the areas of training set forth in paragraph (c) of subsection 1 which precedes the date on which the community health worker first begins providing the services of a community health worker to a client.*

**Sec. 14. 1.** *The administrator of a community health worker pool shall ensure that a client is not prohibited from speaking to any person who advocates for the rights of the clients of the community health worker pool.*

*2. The administrator of a community health worker pool shall establish and enforce a procedure to respond to grievances, incidents and complaints concerning the community health worker pool in accordance with the written policies and procedures of the community*



*health worker pool. The procedure established and enforced by the administrator must include a method for ensuring that the administrator or the administrator's designee is notified of each grievance, incident or complaint. The administrator or his or her designee shall personally investigate the matter in a timely manner. A client who files a grievance or complaint or reports an incident concerning the community health worker pool must be notified of the action taken in response to the grievance, complaint or report or must be given a reason why no action was taken.*

*3. The administrator of a community health worker pool shall ensure that the community health worker pool is in compliance with NRS 449.700 to 449.730, inclusive.*

*4. The community health worker pool shall develop a written description of the rights of clients and provide a copy to each client or a representative of the client upon initiation of the service plan established for the client. A signed and dated copy of the receipt of this information by the client or a representative of the client must be maintained in the record of the client.*

*5. The written description of the rights of clients developed pursuant to subsection 4 must include, without limitation, a statement that each client has the right:*

*(a) To receive considerate and respectful care that recognizes the inherent worth and dignity of each client;*

*(b) To participate in the development of the service plan established for the client and to receive an explanation of the services of a community health worker that will be provided pursuant to the service plan and a copy of the service plan;*

*(c) To receive the telephone number of the Bureau which may be contacted for complaints;*

*(d) To receive notification of any authority of the Division to examine the records of the client relating to the regulation and evaluation of the community health worker pool by the Division; and*

*(e) To receive from the community health worker pool, within the limits set by the service plan established for the client and within the program criteria, responses to reasonable requests for assistance.*

**Sec. 15.** *The administrator of a community health worker pool or the administrator's designee shall conduct an initial screening to evaluate each prospective client's requests for the services of a community health worker and to develop a service plan for the client or to accept a service plan established for the client.*

**Sec. 16.** NAC 449.002 is hereby amended to read as follows:

449.002 As used in NAC 449.002 to 449.99939, inclusive, *and sections 2 to 15, inclusive, of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 449.0022 to 449.0072, inclusive, have the meanings ascribed to them in those sections.

**Sec. 17.** NAC 449.013 is hereby amended to read as follows:

449.013 1. Except as otherwise provided in NAC 449.0168, an applicant for a license to operate any of the following facilities, programs of hospice care or agencies must pay to the Division the following nonrefundable fees:

- (a) An ambulatory surgical center..... \$9,784
- (b) A home office or subunit agency of a home health agency ..... 5,168
- (c) A branch office of a home health agency ..... 5,358
- (d) A rural clinic..... 4,058
- (e) An obstetric center..... 1,564

(f) A program of hospice care .....	7,054
(g) An independent center for emergency medical care .....	4,060
(h) A nursing pool .....	4,602
(i) A facility for treatment with narcotics .....	5,046
(j) A medication unit .....	1,200
(k) A referral agency .....	2,708
(l) A facility for refractive surgery .....	6,700
(m) A mobile unit.....	2,090
(n) An agency to provide personal care services in the home.....	1,374
<i>(o) A community health worker pool.....</i>	<i>1,000</i>

2. An applicant for the renewal of such a license must pay to the Division the following nonrefundable fees:

(a) An ambulatory surgical center .....	\$4,892
(b) A home office or subunit agency of a home health agency .....	2,584
(c) A branch office of a home health agency.....	2,679
(d) A rural clinic .....	2,029
(e) An obstetric center .....	782
(f) A program of hospice care.....	3,527
(g) An independent center for emergency medical care .....	2,030
(h) A nursing pool.....	2,301
(i) A facility for treatment with narcotics .....	2,523
(j) A medication unit.....	600
(k) A referral agency.....	1,354

(l) A facility for refractive surgery .....	3,350
(m) A mobile unit .....	1,045
(n) An agency to provide personal care services in the home .....	687
<i>(o) A community health worker pool .....</i>	<i>500</i>

3. An application for a license is valid for 1 year after the date on which the application is submitted. If an applicant does not meet the requirements for licensure imposed by chapter 449 of NRS or the regulations adopted pursuant thereto within 1 year after the date on which the applicant submits his or her application, the applicant must submit a new application and pay the required fee to be considered for licensure.

# ERRATA

## PROPOSED REGULATION OF THE STATE BOARD OF HEALTH

LCB File No. R133-15

March 10, 2016

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

*Sec. 11. Each community health worker employed or retained pursuant to a contract by a community health worker pool must:*

- 1. Be at least 18 years of age;*
- 2. Demonstrate the ability to provide the services of a community health worker;*
- 3. Understand the provisions of this chapter and chapter 449 of NRS;*
- 4. Demonstrate the ability to read, write, speak and communicate effectively with the clients of the community health worker pool;*
- 5. Provide to the community health worker pool and maintain documentation of either:*
  - (a) A certificate of completion evidencing the successful completion of an initial training course for community health workers which is not less than ~~{72}~~ 30 hours and is approved by the Division or designee; or*
  - (b) Certification as a community health worker by an accrediting body approved by the Division or designee;*
- 6. Demonstrate the ability to meet the needs of the clients of the community health worker pool; and*
- 7. Receive annually not less than 20 hours of continuing education related to providing for the needs of the clients of the community health worker pool.*

## SMALL BUSINESS IMPACT STATEMENT 2017

### PROPOSED AMENDMENTS TO NAC 449

The Division of Public and Behavioral Health (DPBH) has determined that the proposed amendments should not impose an economic burden upon a small business or prevent the formation, operation or expansion of a small businesses 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."

This small business impact statement complies with the requirements of NRS 233B.0609.

#### Background

These regulations establish licensing standards for Community Health Worker Pools (CHWP). If adopted, there will be a clear licensure category for CHWPs and these regulations will establish minimal standards to ensure the safety of clients receiving services with CHWPs. These regulations also propose licensing fees for CHWPs and we anticipate the proposed fees will cover the costs of implementation.

- 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.

Pursuant to NRS 233B.0608 (2) (a), the Division of Public and Behavioral Health has requested input from Division of Health Care Financing and Policy (Nevada Medicaid) for possible future licensees. Since we do not currently have any CHWPs in Nevada, we solicited information from the identified entities that may eventually have a desire to become licensed facilities providing CHWP services in the future. As such and in the absence of actual CHWPs, we decided to reach out to these facilities to obtain comments and best fulfill our responsibilities in accordance with NRS 233B.

A Small Business Impact Questionnaire was sent to 43 possible of Nevada entities that would possibly become a CHWP licensee, along with a copy of the proposed regulation, on 10/20/15. 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**

None of the 43 business entities responded to the small impact questionnaire.

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

The result of the small business impact survey revealed no data for analysis.

The Division of Public and Behavioral Health will provide additional opportunities for input and comments regarding the proposed regulations, including the economic impact the proposed regulations may have on small businesses. Modifications to the proposed regulations will be made as a result of this input. Workshops will be held on May 23, 2017, allowing for further input by the public regarding the proposed regulations. All comments will be taken into consideration for possible further revisions to the regulations to reduce the economic impact on facilities.

**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.**

There will be licensure fees associated with the operation of CHWPs in Nevada. However, in the interest of public health and safety these fees are necessary to offset the cost of inspections, complaint investigations and enforcement.

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

Since the regulatory agency has no way of accurately anticipating the workload associated with this new facility type, the fees would have been set at a rate for similar facility types, such as nursing pools. However, in an effort to reduce the anticipated economic effect and encourage businesses to consider operation of CHWPs, the fees were set at the approximately a fourth the current rate for nursing pools. The differential between the two facility types is based on recruited personnel, personnel qualifications, and rates of return on employed staff.

The development of the regulations was specifically for a small business industry. The regulations have minimal necessary requirements to ensure public safety, while keeping regulatory requirements nominal.

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

None, the proposed fees should offset the cost for enforcement.

**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.**

There is no way of accurately anticipating how many facilities may apply for licensure as Community Health Worker Pool. The fees have been proposed as follows:

Initial licensure	\$1,000
Renewal	\$500

Initial fees are used to offset the cost of applicant training, application processing, initial inspection(s), licensure and complaint investigations throughout the first year of licensure.

Renewal fees are used to offset the cost of application processing, periodic inspection(s) and complaint investigations in the year of renewal.

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

More stringent provisions than the federal standards have not been proposed. Likewise, duplicative standards have not been proposed. However licensure standards are necessary to address that services are appropriately administrated, client rights, and CHWP personnel training in order for the regulatory agency to ensure proper oversight of facilities.

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

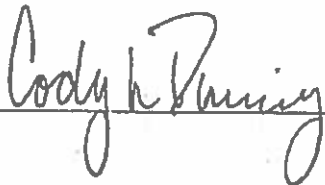
Since there are no currently licensed community health worker pools in Nevada, the agency solicited comments from possible licensees and from similar groups that work that provide community health worker services to determine whether these regulations would have any impact. For the most part, these entities did not respond. The agency does not foresee these regulations will have a detrimental impact on small businesses; in fact the agency anticipates these regulations will provide a way for small businesses to enter into this market.

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

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I, Cody Phinney, Administrator of the Division of Public and Behavioral Health certify to the best of my knowledge or belief, the information contained in this statement was prepared properly and accurately.

Signature



Date:

