

## **NOTICE OF PUBLIC HEARING**

Intent to Adopt Regulations  
(LCB File NO. R033-16)

NOTICE IS HEREBY GIVEN that the State Board of Health will hold a public hearing to consider amendments to Chapter 442 of Nevada Administrative Code (NAC), Maternal and Child Health; Abortion. This public hearing is to be held in conjunction with the State Board of Health meeting on September 9, 2016. The NAC 442 regulation changes 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, September 9, 2016 at the following locations:

Division of Public and Behavioral Health 4150 Technology Way Room #303 Carson City, Nevada	Southern Nevada Health District 280 South Decatur Blvd Red Rock Conference Room Las Vegas, Nevada	Division of Aging and Disability Services Early Intervention Services 1020 Ruby Vista Drive, Suite 102 Elko, Nevada
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The proposed regulations to NAC 442 include the following: The proposed addition/change of regulations in LCB File No. R033-16 include provisions for:

- Proposed regulations LCB File No. R033-16 went through the Public Workshop and Small Business Impact Statement process to amend existing regulations NAC 442.020 through 442.050, inclusive, relating to moving Newborn Screening from out of state to the University of Nevada, Reno, Public Health Laboratory.
- 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.

1. Anticipated effects on the business which NAC 442 regulates:

- A. *Adverse effects:* None anticipated; possible adverse effects noted in the Small Business Impact Summary relate to fees, but the proposed changes repeal NAC 440.210 relating to fees to be paid to the Division.

- B. *Beneficial*: An out of state laboratory will no longer be utilized for Newborn Screening. Amends and modifies existing language to make regulations more clear, current and compatible with reflecting the move of Newborn Screening to the University of Nevada, Reno, Public Health Laboratory.
  - 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 as it is not be expected that the impacts would go away.
2. Anticipated effects on the public:
- A. *Adverse*: None anticipated; possible adverse effects noted in the Small Business Impact Summary relate to fees, but the proposed changes repeal NAC 440.210 relating to fees to be paid to the Division.
  - B. *Beneficial*: Increased public health and safety.
  - C. *Immediate*: Increased public health and safety.
  - D. *Long-term*: Increased public health and safety.
3. At this time, there is no estimated cost to the Division of Public and Behavioral Health for enforcement of the proposed regulations. Enforcement of the proposed regulations will be incorporated into current administrative, registration, licensing and inspection processes.
4. The amendments do not increase any existing fees.
5. The proposed regulations do not overlap or duplicate any other Nevada state regulations or proposed regulations.
6. Per NRS 233B.0608(3), A Small Business Impact Questionnaire (SBIQ) and Small Business Impact Statement (SBIS) will be submitted for approval at the September 9, 2016 Board of Health.
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 and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.
8. 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 L. Phinney, to be received no later than August 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 for inspection and/or may be copied at the following locations during normal business hours:

Division of Public and Behavioral Health  
675 Fairview Drive, Suite 218  
Carson City, NV 89701-5629

Division of Public and Behavioral Health  
4220 S. Maryland Parkway, Bldg. D, Ste. 810  
Las Vegas, NV 89119

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

Copies may be obtained in person, by mail, or by calling the Maternal, Child and Adolescent Health Section at (775) 684-4232 in Carson City.

A copy of the regulations and this notice can also be found on-line by going to:

<http://dpbh.nv.gov>

<http://www.leg.state.nv.us/Register/2016Register/R033-16P.pdf>

<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  
STATE BOARD OF HEALTH**

**LCB File No. R033-16**

April 12, 2016

EXPLANATION – Matter in *italics* is new; matter in brackets [~~emitted 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.

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**TEXT OF REPEALED SECTION**

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**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.

SMALL BUSINESS IMPACT STATEMENT 2016  
PROPOSED AMENDMENT TO NAC 440.020 through 442.050

LCB FILE NO. R033-16

The Division of Public and Behavioral Health (DPBH) has determined that the proposed amendment should not impose an undue economic burden upon a small business or have a negative impact on 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."

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

- 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

The key items the proposed regulation includes are as follows:

- 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.

Pursuant to NRS 233B.0608 (2) (a), the Division of Public and Behavioral Health requested input from newborn screening birthing partners in Nevada. Input was requested from small businesses (midwives who assist in the delivery of babies) and Nevada birthing hospitals in order to provide them with courtesy notification of a fee adjustment.

On March 31, 2016, a Small Business Impact Questionnaire, along with a copy of the proposed regulation changes, was sent to birthing hospitals and midwives statewide. 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

Summary of Small Business Impact Questionnaires Responses  
10 responses (3 from midwives, 7 from hospitals) were received out of 101 SBI Questionnaires distributed

How many employees are currently employed by your business?	Will a specific regulation have an adverse economic effect upon your business?	Will the regulation (s) have any beneficial effect upon your business?	Do you anticipate any indirect adverse effects upon your business?	Do you anticipate any indirect beneficial effects upon your business?	Comments
>1200	No Response	No Response	No Response	No Response	None
180	No Response	No Response	No Response	No Response	None
1,516	No Response	No Response	No Response	No Response	<u>Adverse Economic Effect</u> - "Not applicable, over 1500 employees." <u>Beneficial Effect</u> - "Not applicable, over 1500 employees." <u>Indirect Adverse Effect</u> - "Not applicable, over 1500 employees." <u>Indirect Beneficial Effects</u> - "Not applicable, over 1500 employees."
200	No Response	No Response	No Response	No Response	None
1	Yes	No	No	No	<u>Adverse Economic Effect</u> - "I serve a low income population and would have to pass this cost on to the patient. I worry some patients would opt not to have testing if they had to pay for test."
Unknown	No	No	No	No	"We are not for profit."
6,000+	No Response	No Response	No Response	No Response	None

How many employees are currently employed by your business?	Will a specific regulation have an adverse economic effect upon your business?	Will the regulation (s) have any beneficial effect upon your business?	Do you anticipate any indirect adverse effects upon your business?	Do you anticipate any indirect beneficial effects upon your business?	Comments
Unknown	No	No	No	No	None
0	No Response	No Response	No Response	No Response	None
885	No Response	No Response	No Response	No Response	None

Number of Respondents out of 98	Adverse Economic Effect?	Will the regulation (s) have any beneficial effect upon your business?	Do you anticipate any indirect adverse effects upon your business?	Do you anticipate any indirect beneficial effects upon your business?
Hospitals - 7 Midwives - 3	No Response - 8 Yes - 1 No - 0 Not applicable-I	No Response - 9 Yes - 0 No - 0 Not applicable-I	No Response - 9 Yes - 0 No - 0 Not applicable-I	No Response - 9 Yes - 0 No - 0 Not applicable-I

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

Division of Public and Behavioral Health  
4150 Technology Way, Suite 210  
Carson City, NV 89706  
Vickie Ives, MA  
Maternal, Child and Adolescent Health Section Manager  
Phone: 775-684-2201  
Email: [vives@health.nv.gov](mailto:vives@health.nv.gov)

2) The manner in which analysis was conducted.

An analysis of the input collected from stakeholders conducted by Debra Kawcak, the Children and Youth with Special Health Care Needs Program Coordinator and the Maternal and Child

Adolescent Health Section Manager. The analysis involved analyzing feedback obtained from the small business impact questionnaire as well as information gathered from communication with different stakeholders. The analysis considered the questionnaire answers and comments as well as the fiscal requirements of the contracted newborn screening laboratory. Based upon this consideration, the agency is following the directive of the legislature and is relying on their expertise in limiting the impact on small business while providing required funding for a legislatively required public health service to Nevadans.

**3) 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.**

The Division of Public and Behavioral Health used methods to reduce impact of the proposed regulations on small business including discussions with stakeholders, distribution of small business impact questionnaires to stakeholders to provide input on how the proposed regulation may impact their business. Nevada hospitals, obstetric centers and midwives were given the opportunity to discuss the economic impact the proposed regulations may have. No modifications to the proposed regulations have been made as a result of this input; comments received relating to fees are not applicable as the proposed changes repeal NAC 440.210 relating to fees to be paid to the Division which address the reduction of impact. The Division of Public and Behavioral Health has reviewed the regulations and has been unable to identify any impact on small businesses. The Division of Public and Behavioral Health will hold a Public Workshop on Monday, May 16, 2016 in Carson City and will be broadcast via videoconference in Las Vegas for the public and the regulated community to provide comments regarding the proposed NAC 440.020 through 442.050 regulation. Further input by the public, regulated community or other interested parties regarding the proposed regulations and their impact may be solicited at the Public Workshop. The Notice of Public Hearing is being mailed to interested parties and posted in public locations statewide on Friday, April 29, 2016. To date, no additional comments have been submitted but if any are received, they will be taken into consideration for possible further revisions to the regulations to reduce the economic impact on midwives or other birthing facilities.

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

At this time, there is no additional estimated cost to the agency for enforcement of the proposed regulation as the State Public Health Laboratory has established fees for Newborn Screening Kits that are currently being applied to all hospitals and obstetric birthing centers in Nevada.

**5) Total amount DPBH expects to collect from any fees and the manner in which the money will be used.**

DPBH will not be responsible for any output and/or intake of fees being processed for newborn screening testing and processing therefore there is no cost to the agency for application of the proposed regulation.

- There are no duplicative or stringent provisions necessary.

- The agency has concluded there is little or no impact of regulation NAC 442.020 through 442.050 on small businesses as the response from the Small Business Impact Questionnaire did not offer any specific evidence to the perceived impact on the business model. The fees charged by the Public Health Laboratory to the hospitals and birthing centers can be applied as maternity fees in the billing structure.

JPL for @('j)r(rA/111lf.')

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## **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 – 9<sup>TH</sup> & 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.

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Carson City NV 89706

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100 Stewart Street  
Carson City NV 89701:

Churchill County Library  
553 S. Maine Street  
Fallon NV 89406

Lyon County Library  
20 Nevin Way  
Yerington NV 89447

Clark County Library  
1401 East Flamingo Road  
Las Vegas NV 89110

Mineral County Library  
First & A Streets  
Hawthorne NV 89415

Douglas County Library  
1625 Library Lane  
Minden NV 89423

Pahrump Library District  
701 East Street  
Pahrump NV 89041

Elko County Library  
720 Court Street  
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Pershing County Library  
1125 Central Avenue  
Lovelock NV 89419

Esmeralda County Library  
Corner of Crook and Fourth  
Goldfield NV 89013

Storey County Library  
95 South R Street  
Virginia City NV 89440

Eureka Branch Library  
210 S. Monroe  
Eureka NV 89316

Tonopah Public Library  
167 Center Street  
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Lander County Library  
625 S. Broad Street  
Battle Mountain NV 89820

White Pine County Library  
950 Campton Street  
Ely NV 89301

Lincoln County Library  
93 Main Street  
Pioche NV 89043

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.



STATE OF NEVADA

BRIAN SANDOVAL  
Governor

RICHARD WHITLEY, MS  
Director, DHHS



CODY L. PHINNEY, MPH  
Administrator, DPBH

LEON RAVIN, MD  
Acting Chief Medical Officer

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH  
Bureau of Child, Family & Community Wellness  
4150 Technology Way, Suite 210  
Carson City, Nevada 89706  
Telephone: (775) 684-4285 · Fax: (775) 684-4245

May 16, 2016

MEMORANDUM

To: Brian Saerman  
State Board of Health

Re: Consideration and amendment of proposed regulation LCB File No. R033-16  
Amendments to Nevada Administrative Code (NAC) 442.020 through 442.050

Purpose and Summary of Amendment

The key items the proposed regulation includes are as follows:

- 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.

Public Comment

The Small Business Impact Questionnaire was sent out to newborn screening partners throughout Nevada. These stakeholders included birthing hospitals and facilities, the Nevada Hospital Association and midwives who assist in the delivery of babies.

Out of the ten responses, seven respondents had no comment to any adverse or beneficial impact. One comment received indicated not applicable to any adverse or beneficial impact *due to over 1500 employees*. Another respondent specified *serving low income populations, some patients may not have it done*. Another respondent pointed out the services *are not for profit* without any response to adverse or beneficial impact.

One Public Workshop was held in Carson City, and broadcasted via videoconference to Las Vegas to the same stakeholders.

Date/Time	Locations	Attendance	Support Y/N	Comments
5/16/16 1:00 p.m.	Carson City, Las Vegas	5	Y	N/A

No opposition was received through the small business impact questionnaire, separate email correspondence, or at either location, Carson City or Las Vegas, when the public workshop was held. No opposition is anticipated for the public hearing with the Board of Health.

Staff Recommendation

Staff recommends the State Board of Health amend the proposed regulation NAC 442.020 through 442.050, LCB File No. R033-16.

Presenter

Debra Kawcak, Children and Youth with Special Health Care Needs Program Coordinator, Maternal and Child Health.