

**NOTICE OF PUBLIC HEARING**

Intent to Adopt Regulations  
(LCB File No. R187-18)

NOTICE IS HEREBY GIVEN that the State Board of Health will hold a public hearing to consider amendments to Chapter 441A of Nevada Administrative Code (NAC), Infectious Disease; Toxic Agents. This public hearing is to be held in conjunction with the State Board of Health meeting on March 8, 2019.

The State Board of Health will be conducted via videoconference beginning at 9:00 a.m. on Friday, March 8, 2019 at the following locations:

Division of Public and Behavioral Health 4150 Technology Way Room #303 Carson City, NV 89706	Grant Sawyer Office Building 555 E. Washington Ave. Room #5100 Las Vegas, NV 89101
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The proposed changes to NAC 441A include the following:

- Amends to add diseases (Chikungunya virus disease, Dengue, Carbapenem-resistant, Enterobacteriaceae, St Louis Encephalitis virus, Shiga toxin-producing Escherichia coli, Varicella, and Zika virus disease) to the list of diseases considered communicable diseases in this State and: (1) require the health authority to investigate each report of those diseases; and (2) determine certain measures to contain such infections.
- Adopts by reference certain guidelines relating to communicable diseases. Also provides that, if an Internet website on which a recommendation, guideline or publication adopted by reference ceases to exist, the recommendation, guideline or publication will be available from the Division of Public and Behavioral Health of the Department of Health and Human Services.
- Revises the period for reporting cases or suspected cases of certain communicable diseases.
- Amends this regulation to authorize a person in charge of a medical laboratory to submit culture-independent diagnostic tests to the State Public Health Laboratory or other laboratory designated by the health authority under certain circumstances.
- Amends the testing and treatment information of a TB case having or suspected of having active tuberculosis who have shown a positive reaction to a diagnostic test or completed a course of treatment for tuberculosis and requires a health care provider to notify the health authority within 24 hours of discovery.
- Revises provisions concerning control of tuberculosis.

- Amends this regulation by removing requirements that a dog, cat or ferret which: (1) has not been vaccinated for rabies and has been in close contact with a rabid animal must be euthanized; and (2) has been vaccinated for rabies and has been in close contact with a rabid animal must be revaccinated. Instead requires a dog, cat or ferret that has been in close contact with a rabid animal to be managed according to certain guidelines, regardless of whether the dog, cat or ferret has been vaccinated for rabies.
- Amends regulations to prohibit certain persons who suffer from campylobacteriosis, cryptosporidiosis, Shiga toxin-producing *Escherichia coli*, giardiasis or yersiniosis and certain contacts of such persons from working in sensitive occupations for a prescribed time period, as well as authorizes the health authority to order any additional exclusion, testing or treatment of any person that the health authority determines is necessary to prevent further transmission of the infection.
- Revises the regulation for the health authority to obtain sufficient information of only to certain cases having influenza for surveillance and reporting purposes.
- Changes to the requirements for a case or suspected case considered to have measles to be excluded from any occupation involving frequent contact with the public.
- Revises the period that a child who has not been immunized to measles because of a medical or religious exemption is excluded from a school or child care in which a case or suspected case considered to have measles is reported.
- Amends the existing regulations for a health authority to also investigate each report suspected pertussis cases reported.
- Revises the regulations purposes for which the health authority is required to investigate each report of a case having rotavirus infection.
- Amends regulations to remove the requirement that the health authority investigates each report of a case having a severe reaction to immunization and instead requires a person who administers a vaccine to which the patient has an adverse reaction to report the adverse reaction in accordance with federal law. Also authorizes the health authority and the Division to take any action necessary to ensure compliance with this reporting requirement.

1. Anticipated effects on the business which NAC 433 regulates:

- A. *Adverse effects:* May have a negative economic impact on laboratories or small business because of additional costs and staff resources needed to meet testing requirements.
- B. *Beneficial:* Anticipated benefits would improve the prevention and control of communicable diseases; align with CDC recommendations and guidelines; benefit effect on health care providers and protect them from potential exposures.
- 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

would not be expected that the impacts would go away.

2. Anticipated effects on the public:

- A. *Adverse*: None anticipated.
- B. *Beneficial*: Increased patient and public safety.
- C. *Immediate*: Increased patient and public safety.
- D. *Long-term*: Increased patient and public safety.

3. The estimated cost to the Division of Public and Behavioral Health for enforcement of the proposed regulations is estimated to be \$0. Currently it is expected that the provisions of these regulations would be incorporated into current processes utilizing existing staff therefore no cost (\$0) to the agency for enforcement is anticipated.

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, Julie Kotchevar, PhD to be received no later than February 26, 2019 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

Nevada State Library

727 Fairview Drive, Suite E  
Carson City, NV 89701

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/Programs/OPHIE/dta/Statutes/Public\\_Health\\_Informatics\\_and\\_Epidemiology\\_\(OPHIE\) - Statutes/](http://dpbh.nv.gov/Programs/OPHIE/dta/Statutes/Public_Health_Informatics_and_Epidemiology_(OPHIE)_-_Statutes/)

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

Lyon County Library  
20 Nevin Way

Pioche, NV 89043-0330

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.