

Joe Lombardo
Governor



Richard Whitley,
MS
Director



Cody Phinney,
MPH
Administrator

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

NOTICE OF PUBLIC WORKSHOP

NOTICE IS HEREBY GIVEN that the Division of Public and Behavioral Health will hold a public workshop to consider amendments to Nevada Administrative Code (NAC), Chapter 228.

The workshop will be conducted in-person, by phone and virtually beginning at 1:00 PM on April 2, 2024, via the following:

- [Join online using Microsoft Teams](#)
- Call in (audio only): 1-775-321-6111 (Phone Conference ID: 895 476 938#)
- Attend in person at:
 - Division of Public and Behavioral Health
Bureau of Health Care Quality and Compliance
727 Fairview Drive, Suite E
Carson City, NV 89701

These workshops will be conducted in accordance with NRS 241.020, Nevada's Open Meeting Law.

AGENDA

1. Introduction of workshop process
2. Public comment on proposed amendments to Nevada Administrative Code Chapter 228
3. General Public Comment

The proposed changes will revise Chapter 228 of the Nevada Administrative Code and are being proposed in accordance with LCB File No. R071-20, Nevada Revised Statutes (NRS) 439.150, NRS 439.200, NRS 439.258, and Senate Bill 45 of the 2021 Legislative Session.

The proposed regulations provide provisions for the following:

1. Clarify that only persons that provide domestic violence treatment services to persons ordered by a court must be certified by the Division of Public and Behavioral Health (DPBH) to provide such services. Others, such as licensed counselors, that provide domestic violence counseling to individuals not ordered by the court to receive such services, may provide such counseling without being certified, but have the option to receive such certification if all regulatory and statutory requirements are met.
2. Establish fees for the licensing and regulation of domestic violence treatment programs.
3. Require proof, acceptable to DPBH, that the program has the permission to utilize its curriculum and instructional materials for the duration of its operations.
4. Require a person who has submitted an incomplete application to submit missing information within 90 days after being notified of needing to provide such information.
5. Remove the prohibition to issue a provisional certificate due to not receiving a written recommendation of the Committee on Domestic Violence.

6. Remove the requirement that the form used to conduct a random sample of at least 10 percent of records of offenders receiving treatment and the group counseling session observations be on a form approved by DPBH.
7. Add a licensed counselor pursuant to Chapter 641C of NRS and an advanced practice registered nurse who practices psychiatry as one of the licensee types that would qualify as a supervisor of treatment.
8. Remove the requirement that the director of a program attest in writing that a person meets the requirements to be a supervisor or provider of treatment upon hire or for the purpose of retaining such persons.
9. Define the term “field of clinical human services” for the purposes of being employed, or retained as an independent contractor, in the position of a supervisor of treatment.
10. Remove the requirement that certain documents be included with the renewal application.
11. Remove information related to completed applications that are submitted via the United States Postal Services.
12. Repeal NAC 228.101 – Application: Provision to Committee, meeting of Committee to consider; transmittal of Committee’s recommendation to DPBH.

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 Leticia Metherell, Health Program Manager, at the following address:

Division of Public and Behavioral Health
727 Fairview Drive, Suite E
Carson City, NV 89701
775-684-1073 (fax)
lmetherell@health.nv.gov

Members of the public who require special accommodations or assistance at the workshop are required to notify Leticia Metherell in writing to the Division of Public and Behavioral Health, via fax, email or by mail using the information provided above, or by calling 775-684-1045 at least five (5) working days prior to the date of the public workshop.

You may contact Leticia Metherell by calling 775-684-1045 for further information on the proposed regulations or how to obtain copies of the supporting documents.

A copy of the notice and the 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
727 Fairview Drive, Suite E
Carson City, NV

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

Division of Public and Behavioral Health
4220 S. Maryland Parkway, Suite 100, Bldg. A
Las Vegas, NV

A copy of the regulations and small business impact statement can be found on the [Division of Public and Behavioral Health’s Health Facilities Regulation Development web page linked here](#).

A copy of the public workshop notice can also be found at Nevada Legislature's web page:

<https://www.leg.state.nv.us/App/Notice/A/>

A copy of this 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. Legislative Building, 401 S. Carson Street, Carson City
4. Southern Nevada Health District, 280 S Decatur Blvd, Las Vegas
5. Washoe County District Health Department, 9th St. and Wells Ave., Reno

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.

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