

NOTICE OF PUBLIC WORKSHOP

NOTICE IS HEREBY GIVEN that the Division of Public and Behavioral Health will hold a public workshop to consider amendment to Nevada Administrative Code (NAC) Chapter 449 in LCB File No. R120-16 (peer support recovery organizations).

The workshop will be conducted via videoconference beginning at 10.30 a.m. on Tuesday May 23, 2017 at the following locations:

Division of Public and Behavioral Health 4150 Technology Way Conference Room #303 Carson City, NV 89706	Aging and Disabilities Services Division 1820 East Sahara Avenue, Suite 201 Las Vegas, NV 89104	Division of Aging and Disability Services Early Intervention Services 1020 Ruby Vista Drive, Suite 102 Elko, NV
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These workshops will be conducted in accordance with NRS 241.020, Nevada's Open Meeting Law.

AGENDA

1. Introduction of the workshop process
2. Public comment on LCB File No. R120-16 (peer support recovery organizations)
3. Public comments

The proposed, revised publications for Construction Standards of Medical Facilities regulations in accordance with NRS 449.03020.

The proposed regulations provide provisions for the following:

- 1) Establishing the requirements governing the licensing and operation of peer support recovery organizations; establishing the qualifications and duties of administrators of such organizations and their designees; establishing the qualifications and training required of persons employed by such organizations to provide peer support 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 peer support recovery organization.
- 2) The peer support recovery organization 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. Polices must also be created for employee qualifications,

responsibilities, duties, prohibitions and conditions of employment. Polices must also include the rights of the clients, ethics governing persons that provide peer support services or other employees, and client confidentiality.

- 3) The peer support recovery organization must establish descriptions of their peer support services, how the facility assigns staff to clients, documents the services provided to a client, coordination with other community services and contracted services, and their emergency responses.
- 4) Separate client and employee files must be maintained and available for state inspector review. Evidence that persons providing peer support 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) Section 9 speaks to the administrator's responsibilities for patient rights as described in NRS 449.700 to 449.730, responses to grievances, incidents and complaints, and allow 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 peer support recovery organizations.
- C. *Immediate:* The regulations would guide proposed peer support recovery organizations with features necessary for successful business operations.
- D. *Long-term:* There would be consistent peer support services within the state.

2. Anticipated effects on the public:

- A. *Adverse:* None.
- B. *Beneficial:* Recipients of peer support 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 peer support services would become licensed.
- D. *Long-term:* There would be an increase of licensed peer support recovery organizations 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 April 24, 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

Elko County Library
720 Court Street
Elko, NV 89801

Eureka Branch Library
80 South Monroe Street
Eureka, NV 89316-0283

Humboldt County Library
85 East 5th Street
Winnemucca, NV 89445-3095

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

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

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

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

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

Douglas County Library
1625 Library Lane
Minden, NV 89423

Esmeralda County Library
Corner of Crook and 4th Street
Goldfield, NV 89013-0484

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

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

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

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

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

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

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. R120-16

August 3, 2016

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

AUTHORITY: §§1-10, NRS 449.0302; §11, NRS 439.150, 449.0302 and 449.050.

A REGULATION relating to health; establishing the requirements governing the licensing and operation of peer support recovery organizations; establishing the qualifications and duties of administrators of such organizations; establishing the qualifications and training required of persons retained or employed by such organizations to provide peer support services; 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 peer support recovery organization; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law includes a peer support recovery organization within the definition of a facility for the dependent. (NRS 449.0045) 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 peer support recovery organization before providing peer support services for compensation. (NRS 449.030, 449.03015, 449.040) Existing law further provides that the requirement to obtain a license as a peer support recovery organization does not apply to a person who is licensed as a facility for the dependent or medical facility and who employs persons to provide peer support services. (NRS 449.03015)

Section 3 of this regulation provides that a license to operate a peer support recovery organization applies to a specific location. **Section 3** also requires a peer support recovery organization 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 4** of this regulation sets forth the qualifications and duties of an administrator of a peer support recovery organization. **Section 4** also requires such an administrator to appoint a designee to act in his or her absence.

Section 5 of this regulation requires a peer support recovery organization to maintain written policies and procedures concerning the qualifications, responsibilities and conditions of employment or being retained as a volunteer for each person who provides peer support services and other members of the staff.

Section 6 of this regulation sets forth the qualifications that a person who is employed, retained as a volunteer or retained pursuant to a contract by a peer support recovery organization to provide peer support services is required to satisfy.

Section 7 of this regulation requires a separate personnel file to be maintained for each person who is employed, retained as a volunteer or retained pursuant to a contract by a peer support recovery organization to provide peer support services and sets forth the required contents of such a file.

Section 8 of this regulation requires a person who is employed, retained as a volunteer or retained pursuant to a contract by a peer support recovery organization to provide peer support services to have certain knowledge and training as a prerequisite to providing peer support services to a client.

Section 9 of this regulation: (1) sets forth certain rights of the clients of a peer support recovery organization; (2) sets forth the duties of the administrator of a peer support recovery organization with regard to those rights; and (3) requires a peer support recovery organization 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 11** of this regulation prescribes fees for an applicant for a license to operate a peer support recovery organization 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 9, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 9, inclusive, of this regulation, unless the context otherwise requires, "client" means a person who receives peer support services.*

Sec. 3. 1. *Each license issued to operate a peer support recovery organization is separate and distinct and is issued to a specific person, who is designated on the license, to operate the peer support recovery organization at a specific location.*

2. The name of the administrator of the peer support recovery organization must appear on the face of the license.

3. Each peer support recovery organization 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 peer support recovery organization submits its initial application to the Division for a license and upon request by the Division.

Sec. 4. 1. The administrator of a peer support recovery organization 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 problems relating to mental illness and addiction;

(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 peer support recovery organization shall represent the licensee in the daily operation of the peer support recovery organization and shall appoint a designee 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 persons provide peer support services to a client of the peer support recovery organization and that such services are provided in accordance with the needs of the client and the policies and procedures of the peer support recovery organization;

(c) Developing and implementing an accounting and reporting system that reflects the fiscal experience and current financial position of the peer support recovery organization;

(d) Negotiating for services provided by contract in accordance with legal requirements and established policies of the peer support recovery organization;

(e) Providing oversight and direction for persons who provide peer support services and other members of the staff of the peer support recovery organization as necessary to ensure that the clients of the peer support recovery organization receive needed services;

(f) Developing and implementing policies and procedures for the peer support recovery organization, including, without limitation, policies and procedures concerning terminating the peer support services provided to a client;

(g) Designating one or more employees of the peer support recovery organization to be in charge of the peer support recovery organization during those times when the administrator is absent; and

(h) Demonstrating to the Division upon request that the peer support recovery organization has sufficient resources and the capability to satisfy the requests of each client of the peer support recovery organization related to the provision of the peer support services to the client.

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

4. The administrator of a peer support recovery organization shall ensure that:

(a) The clients of the peer support recovery organization are not abused, neglected, exploited, isolated or abandoned by a person who provides peer support services or another member of the staff of the peer support recovery organization, or by any person who is visiting the client when a person who provides peer support services or another member of the staff of the peer support recovery organization 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, 200.50935 and 632.472.

Sec. 5. A peer support recovery organization shall maintain written policies and procedures concerning the qualifications, responsibilities and conditions of employment or being retained as a volunteer for each person who provides peer support services and other members of the staff of the peer support recovery organization. The written policies and procedures must be reviewed and revised as needed. The written policies and procedures must be made available to the persons who provide peer support services and other members of the staff of the peer support recovery organization 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 persons who provide peer support services;

2. Provide descriptions of any activities that persons who provide peer support services are prohibited from engaging in, including, without limitation:

(a) Loaning, borrowing or accepting gifts of money or personal items from a client;

(b) Accepting or retaining money or gratuities from a client, other than money needed for the purchase of groceries or medication for the client; and

(c) 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 persons who provide peer support services and other members of the staff of the peer support recovery organization, including, without limitation, any requirements concerning the confidentiality of client information;

5. Provide a description of the peer support services that are provided by the peer support recovery organization to clients which must include, without limitation, informal counseling, social support and advocacy;

6. Provide a description of the manner in which the peer support recovery organization assigns persons who provide peer support services to provide the peer support services to clients and any supervision of those services that will be provided by the peer support recovery organization;

7. Provide for documentation of the needs of each client and the peer support services that are provided to the client;

8. Set forth the emergency responses of the peer support recovery organization to both medical and nonmedical situations;

9. Set forth the roles of the peer support recovery organization and any coordination that the peer support recovery organization will provide with services provided by other community service agencies;

10. Provide for periodic evaluations of the performance of the persons who provide peer support services and other members of the staff of the peer support recovery organization;

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 peer support recovery organization.

Sec. 6. Each person employed, retained as a volunteer or retained pursuant to a contract by a peer support recovery organization to provide peer support services must:

- 1. Be at least 18 years of age;*
- 2. Demonstrate the ability to provide informal counseling, social support and advocacy;*
- 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 peer support recovery organization;*
- 5. Provide to the peer support recovery organization and maintain documentation of a certificate of completion evidencing the successful completion of an initial training course for persons who provide peer support services which is not less than 16 hours and is approved by the Division;*
- 6. Demonstrate the ability to meet the needs of the clients of the peer support recovery organization; and*
- 7. Receive annually not less than 4 hours of continuing education related to providing for the needs of the clients of the peer support recovery organization.*

Sec. 7. 1. A separate personnel file must be kept for each person employed, retained as a volunteer or retained pursuant to a contract by a peer support recovery organization to provide peer support services and must include, without limitation:

- (a) The name, address and telephone number of the person who provides peer support services;*
- (b) The date on which the person who provides peer support services began working or volunteering for the peer support recovery organization;*
- (c) Documentation satisfactory to the Division that the person who provides peer support services has been screened for communicable diseases as described in NAC 441A.375;*
- (d) Evidence of compliance with NRS 449.123 by the administrator of the peer support recovery organization or the person licensed to operate the peer support recovery organization with respect to the person who provides peer support services;*
- (e) Proof that, within 6 months after the person who provides peer support services began working for the peer support recovery organization, the person who provides peer support services 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 is current;*
- (f) Proof that the person who provides peer support services is at least 18 years of age;*
- (g) Proof of possession by the person who provides peer support services of at least the minimum liability insurance coverage required by state law if the person who provides peer support services will be providing transportation to a client in a motor vehicle;*
- (h) Documentation of each initial training course and continuing education attended by the person who provides peer support services; and*
- (i) Documentation of the performance evaluations of the person who provides peer support services.*

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 person who provides peer support services:

- (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 person who provides peer support services.*

Sec. 8. 1. Each person employed, retained as a volunteer or retained pursuant to a contract by a peer support recovery organization to provide peer support services shall:

(a) Obtain a working knowledge of the provisions of this chapter which govern the licensing of peer support recovery organizations before providing peer support services to the clients of the peer support recovery organization. The peer support recovery organization must provide a copy of those provisions to a person who provides peer support services before the person who provides peer support services may provide peer support services to the clients of the peer support recovery organization.

(b) Participate in and complete a training program before independently providing peer support services to the clients of the peer support recovery organization. The training program must include an opportunity for the person who provides peer support services to receive on-the-job instruction provided to clients of the peer support recovery organization, if the administrator of the peer support recovery organization or the administrator's designee

provides supervision during this instruction to determine whether the person who provides peer support services is able to provide peer support services successfully and independently to the client.

(c) Receive training:

(1) In the written documentation of:

(I) Peer support services provided to the clients of the peer support recovery organization; and

(II) Verification of time records.

(2) That is specifically related to the peer support services provided by the peer support recovery organization, including, as applicable, training in the core competencies, duties, responsibilities and ethics of persons who provide peer support services.

(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 informal counseling, social support and advocacy.

(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 person employed, retained as a volunteer or retained pursuant to a contract by a peer support recovery organization to provide peer support services must:

(a) Be evaluated and determined to be competent by the peer support recovery organization 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 person first begins providing peer support services to a client.

Sec. 9. 1. *The administrator of a peer support recovery organization shall ensure that a client is not prohibited from speaking to any person who advocates for the rights of the clients of the peer support recovery organization.*

2. The administrator of a peer support recovery organization shall establish and enforce a procedure to respond to grievances, incidents and complaints concerning the peer support recovery organization in accordance with the written policies and procedures of the peer support recovery organization. The procedure established and enforced by the administrator must include, without limitation, 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 peer support recovery organization 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 peer support recovery organization shall ensure that the peer support recovery organization is in compliance with NRS 449.700 to 449.730, inclusive.

4. The peer support recovery organization 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 peer support services to 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 peer support services that will be provided to the client and to receive an explanation of the peer support services that will be provided to the client;

(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 peer support recovery organization by the Division; and

(e) To receive from the peer support recovery organization, within the program criteria, responses to reasonable requests for assistance.

6. *As used in this section, "representative of the client" means the spouse of a client, the legal guardian of a client and any other person required by law to provide medical support to a client.*

Sec. 10. 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 9, 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. 11. 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 of Public and Behavioral Health 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
(o) A facility for the care of adults during the day allowed to be occupied by not more than 50 clients at one time	1,164
(p) A facility for the care of adults during the day allowed to be occupied by more than 50 clients at one time	1,753
<i>(q) A peer support recovery organization.....</i>	<i>1,000</i>

2. An applicant for the renewal of such a license must pay to the Division of Public and Behavioral Health 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
(o) A facility for the care of adults during the day allowed to be occupied by not more than 50 clients at one time	814
(p) A facility for the care of adults during the day allowed to be occupied by more than 50 clients at one time.....	1,227
<i>(q) A peer support recovery organization.....</i>	500

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.

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

LCB File No. R120-16

August 3, 2016

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

AUTHORITY: §§1-10, NRS 449.0302; §11, NRS 439.150, 449.0302 and 449.050.

A REGULATION relating to health; establishing the requirements governing the licensing and operation of peer support recovery organizations; establishing the qualifications and duties of administrators of such organizations; establishing the qualifications and training required of persons retained or employed by such organizations to provide peer support services; 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 peer support recovery organization; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law includes a peer support recovery organization within the definition of a facility for the dependent. (NRS 449.0045) 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 peer support recovery organization before providing peer support services for compensation. (NRS 449.030, 449.03015, 449.040) Existing law further provides that the requirement to obtain a license as a peer support recovery organization does not apply to a person who is licensed as a facility for the dependent or medical facility and who employs persons to provide peer support services. (NRS 449.03015)

Section 3 of this regulation provides that a license to operate a peer support recovery organization applies to a specific location. **Section 3** also requires a peer support recovery organization 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 4** of this regulation sets forth the qualifications and duties of an administrator of a peer support recovery organization. **Section 4** also requires such an administrator to appoint a designee to act in his or her absence.

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 Peer Support Recovery Organizations (PSRO). If adopted, there will be a clear licensure category for PSRO and these regulations will establish minimal standards to ensure the safety of clients receiving services from PSROs. These regulations also propose licensing fees for PSROs 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 (DPBH) has requested input from possible community entities that would most likely be licensed as facilities providing peer support recovery organization services to individuals recovering from substance abuse. Since we do not currently have any PSROs in Nevada, we solicited information from entities may eventually have a desire to be licensed as PSROs in the future. Business entities that interact with the Division's Substance Abuse, Prevention and Treatment Agency (SAPTA) were identified and contacted, as were other entities that provide similar services. As such and in the absence of actual PSROs, we decided to reach out to these entities to obtain comments and best fulfill our responsibilities in accordance with NRS 233B.

A Small Business Impact Questionnaire was sent successfully to 26 business entities (out of 33 e-mail contacts) that work with individuals recovering from substance abuse in Nevada, along with a copy of the proposed regulation changes, on 01/04/17. 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 26 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 operation of PSROs 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 as a PSRO, the fees were set at approximately a fourth of the current rate for nursing pools. The differential between the two facility types is based on recruited personnel, personnel's 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's no way of accurately anticipating how many facilities may apply for licensure as Peer Support Recovery Organizations. 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 client rights, PSRO personnel training, and that the services provided are appropriately administered, 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.

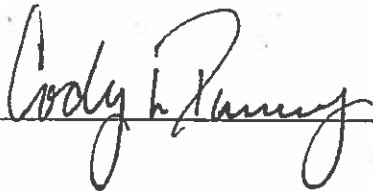
Since there are no currently licensed peer support recovery organizations in Nevada, the agency solicited comments from possible licensees and from similar groups that work with individuals recovering from substance abuse to determine whether these regulations would have any impact. These entities did not respond. The agency does not foresee these regulations as having 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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Las Vegas Nevada 89119
Tammy Carney
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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:

4/21/17