

NOTICE OF PUBLIC HEARING

Intent to Adopt Regulations

R181-09RP1

NOTICE IS HEREBY GIVEN that the State Board of Health will hold a public hearing to consider amendments to Chapter 449 of Nevada Administrative Code (NAC). This public hearing is to be held in conjunction with the State Board of Health meeting on June 28, 2013. The NAC 449 regulation changes will be heard in the order in which they are 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, June 28, 2013 at the following locations:

Nevada State Health Division 4150 Technology Way Room #303 Carson City, NV 89706	Nevada State Health Division Early Intervention Services 3811 W Charleston #112 Las Vegas, NV	Nevada State Health Division Early Intervention Services 1020 Ruby Vista Drive, Suite 102 Elko, NV
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The proposed changes to NAC 449 include the following:

1. LCB File No. R181-09RP1
 - The proposed regulations revise will revise the provisions governing employees, policies, and services provided by ambulatory surgical centers
 - The regulation changes are being proposed in accordance with Nevada Revised Statutes (NRS) 449.0302
2. An errata is being proposed
 - In order to eliminate the proposed changes to communicable disease regulation sections that will be reintroduced in a separate process
 - In order to better define surgery for the purposes of these regulations
 - In an effort to be responsive to comments received during the public workshop and in the small business impact study changes are proposed to accomplish the following: 1) allow for presurgical evaluations to be conducted by the individual performing the surgery and allow for the evaluation to be conducted the day of the surgery, 2) continue to require personnel performing fluoroscopy to be highly trained individuals, but allow for a wider range of individuals to perform fluoroscopy

A small business impact study revealed the following concerning LCB File No. R181-09RP1

and the proposed errata:

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

- A. *Adverse*: The Division has determined that the proposed amendments will not impose an economic burden upon a small business or restrict the formation, operation or expansion of a small business in Nevada. The proposed amendments will formalize and establish structure for processes within ambulatory surgery centers.
- B. *Beneficial*: The proposed language will clarify current requirements and may allow for decreased cost to centers with regard to presurgical evaluations and fluoroscopy.
- C. *Immediate*: None anticipated.
- D. *Long-term*: The same as those indicated in “Beneficial” above.

2. Anticipated effects on the public:

- A. *Adverse*: None anticipated.
- E. B. *Beneficial*: The proposed language will may allow for decreased cost to patients with regard to presurgical evaluations.
- C. *Immediate*: None anticipated.
- D. *Long-term*: The same as those indicated in “Beneficial” above.

3. Estimated cost to the Division for enforcement of the proposed regulation:

There’s no anticipated additional cost to the Division. The Division currently inspects ambulatory surgery centers for compliance with regulatory requirements, once every year. These proposed changes will only require a minor adjustment to the tools/forms used during inspections.

The amendments do not establish any new fees or increase any existing fees.

Although there are federal regulations for ambulatory surgery centers that participate in the federal reimbursement program (Medicare), there are no duplicative provisions for the licensure of facilities and for those facilities not certified to participate in Medicare.

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, Richard Whitley, to be received no later than June 14, 2013, at the following address:

Secretary, State Board of Health
Nevada State Health Division
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 State Health Division
Bureau of Health Care Quality and Compliance
727 Fairview Drive, Suite E
Carson City, NV 89701

Nevada State Library
100 Stewart Street
Carson City, NV 89701

Nevada State Health Division
Bureau of Health Care Quality and Compliance
4220 S. Maryland Parkway, Suite 810, Building D
Las Vegas, NV 89119

Copies may be obtained in person, by mail, or by calling the Bureau of Health Care Quality and Compliance at (775) 684-1066 in Carson City or (702) 486-6515 in Las Vegas.

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

http://www.health.nv.gov/HCQC_HealthFacilities_WShops.htm

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

Douglas County Library
1625 Library Lane

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

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.

Members of the public who are disabled and require special accommodations or assistance at the meeting are required to notify the Bureau of Health Care Quality and Compliance, 727 Fairview Drive, Suite E, Carson City, Nevada, 89701, Phone (775) 684-1066, at least 24 hours prior to the

date of the hearing.

Anyone who wants to be on the mailing list must submit a written request every six months to the Nevada State Health Division at the address listed in the previous paragraph.