

NOTICE OF PUBLIC HEARING

Intent to Adopt Regulations
(LCB File No. R046-14)

NOTICE IS HEREBY GIVEN that the State Board of Health will hold a public hearing to consider adoption of regulations establishing requirements for the licensure of psychiatric residential treatment facilities, establishing grounds for the suspension and revocation of such a license, imposing certain fees for the issuance and renewal of such a license and providing other matters properly relating thereto. This public hearing is to be held in conjunction with the State Board of Health meeting on June 20, 2014. The proposed adoption of the regulations 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, June 20, 2014 at the following locations:

Division of Public and Behavioral Health 4150 Technology Way Room #303 Carson City, NV	Division of Public and Behavioral Health 3811 W. Charleston Blvd. Room #112 Las Vegas, NV	Division of Aging and Disability Services Early Intervention Services 1020 Ruby Vista Drive, Suite 102 Elko, NV
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The proposed adoption of regulations include the following:

- Establish the definition of a psychiatric residential treatment facility (PRTF) as: a facility, other than a hospital, that provides a range of psychiatric services to treat residents under the age of 21 years on an inpatient basis under the direction of a physician.
- Requires a license to operate or provide the services of a PRTF
- Requires a PRTF to meet the needs of and provide quality care to its residents
- Require the administrator of a PRTF to: (1) perform certain tasks relating to adequacy and competency of the staff and (2) ensure that the PRTF has an effective, comprehensive quality improvement program to evaluate the provision of care of its residents
- Establish requirements for the planning, preparation and provision of meals to residents of a PRTF
- Establish requirements concerning: (1) the administration of a medication or biological to a resident and (2) reporting of errors in the administration of drugs to residents and abuses and losses of controlled substances
- Prescribes fees for an applicant for a license to operate a PRTF or to renew such a license
- Authorizes the Division to suspend, revoke or cancel a license to operate as a PRTF under certain conditions

1. Anticipated effects on the businesses which these regulations will affect:
 - A. *Adverse effects:* There may be a negative economic impact on PRTFs, due to the licensure fees that have been established. However, these fees are necessary to offset the cost of inspections, complaint investigations and enforcement.
 - B. *Beneficial:* Anticipated benefits include: (1) a distinct licensure category and regulations different from psychiatric hospitals, (2) minimal regulations that should encourage development of PRTF facilities in Nevada and (3) once facilities are licensed, the ability to provide services in Nevada, rather than the current practice of placing persons in need of these services out-of-state.
 - 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:* When facilities are licensed in Nevada, the ability to locate persons in need of services in-state may better serve the families of those persons by providing services more proximal. These regulations are designed to establish minimal public health standards for the PRTF provider type.
 - C. *Immediate:* The establishment of minimal public health standards would be the immediate impact, as soon as the proposed regulations become effective.
 - D. *Long-term:* The long term beneficial impacts would be the location of persons in need of services in-state, once facilities have obtained licensure.

3. The estimated cost to the Division of Public and Behavioral Health for enforcement of the proposed regulations is estimated to be \$0. It is expected that the cost of implementing the provisions of these regulations would be offset by the licensure fees included within the regulations. The agency will utilize existing staff and incorporate this new facility type into current inspection and licensing processes, therefore no cost (\$0) to the agency is anticipated.

The proposed regulations do not overlap or duplicate any other Nevada 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, Richard Whitley, to be received no later than June 10, 2014 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://www.health.nv.gov/HCQC_HealthFacilities_WShops.htm

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 4th Street
Goldfield, NV 89013-0484

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

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.