

NOTICE OF PUBLIC HEARING

Intent to Adopt Regulations
(LCB File No. R104-13)

NOTICE IS HEREBY GIVEN that the State Board of Health will hold a public hearing to consider amendments to Chapter 652 of Nevada Administrative Code (NAC), Medical Laboratories. This public hearing is to be held in conjunction with the State Board of Health meeting on March 14, 2014. The NAC 652 regulation changes 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, March 14, 2014 at the following locations:

Division of Public and Behavioral Health 4150 Technology Way Room #303 Carson City, NV 89706	SNAMHS – Rawson Neal Training Room B-193 1650 Community College Drive 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 changes to NAC 652 include the following:

- Amends the definition of an outpatient center of a laboratory
- Identifies the proof of identity of the laboratory director that must be included in a laboratory application. Proof of identity includes acceptance of electronic signatures which would facilitate moving forward with electronic submission of applications in the future.
- Requires a laboratory to adopt and implement nationally recognized infection control guidelines, follow manufacturer’s recommendations and to ensure staff have received training and are evaluated on the infection control guidelines.
- Changes the requirement for the laboratory director to be on the premises of the laboratory from 10 or 30 consecutive days to once every month.
- Clarifies the procedures which can be performed by a laboratory assistant.
- Specifies that individuals convicted of felonies listed in NRS 449.174 may have their certificate denied, suspended or revoked.
- Specifies the requirements to qualify for certification as a laboratory assistant.
- Outlines monetary penalties and criteria for determining the amount of the penalty.

1. Anticipated effects on the business which NAC 652 regulates:

- A. *Adverse effects:* May have a negative economic impact on laboratories that have deficient practices that lead to an administrative sanction.
- B. *Beneficial:* Anticipated benefits to laboratory personnel and medical laboratories include the ability to move forward with electronic applications/renewals which should make it more efficient for applicants and should result in faster turnaround times, increasing the flexibility in criteria to become a laboratory assistant will ensure qualified individuals can become certified and reducing the on-site requirement that a laboratory director be on the premises from 10 or 30 consecutive days to monthly will provided more flexibility for laboratory director's while ensuring patient safety.
- 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 safety. Monetary penalties would be used to improve quality in laboratories by allowing laboratories to use the monies to help prevent future violations and monetary penalties would serve to help promote compliance with statutes and regulations to help ensure public safety. In addition, utilizing nationally recognized infection control standards will help protect patients.
- C. *Immediate:* Increased patient safety.
- D. *Long-term:* Increased patient 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 inspection and licensing 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, Richard Whitley, to be received no later than March 3, 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

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

Humboldt County Library
85 East 5th Street

Lander County Library
625 South Broad Street

Winnemucca, NV 89445-3095

Battle Mountain, NV 89820-0141

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

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

Mineral County Library
110 1st 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.