

NOTICE OF PUBLIC HEARING

Intent to Adopt Regulations
(LCB File No.R111-12)

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 March 14, 2014. The NAC 449 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	Division of Aging and Disability Services Early Intervention Services 1020 Ruby Vista Drive, Suite 102 Elko, NV
---	--	--

The proposed changes to NAC 449 include the following:

- Provides a process for the Central Repository for Nevada Records of Criminal History to obtain necessary information to complete a background investigation of an applicant for a license to operate certain facilities, a licensed operator of such facilities or an employee or independent contractor of such facilities. This is important because until a final determination can be made as to whether an individual is cleared or not cleared for employment it cannot be ruled out that an individual has been convicted of a disqualifying crime which may result in individuals working that should be disqualified from employment.
- Allows a facility to restrict the manner in which an employee or independent contractor of such a facility may work pending completion of an investigation or pending correction of information received from an investigation and provides for disciplinary action for failure to comply with the regulatory provisions.

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

- A. *Adverse effects:* There were concerns expressed by industry related to suspending employees or having them work under direct supervision as the only options available to them. This concern was addressed and the proposed regulations now include a

provision which would allow a facility to conduct an investigation into the circumstances of the criminal history record to determine and implement measures the facility identifies in order to ensure the safety of patients. This would minimize any adverse effects on facilities. Based on the Small Business Impact Questionnaire sent to industry impacted by the proposed regulations it was revealed that they did not anticipate an adverse economic effect upon their business.

- B. *Beneficial*: This will result in increased public safety by ensuring that individuals with undetermined background investigations obtain a final determination as to whether they are eligible or not eligible to work in a facility.
- C. *Immediate*: Increased public safety by ensuring individuals receive a final determination as to whether they are eligible or not eligible to work in a facility.
- D. *Long-term*: Increased public safety by ensuring individuals receive a final determination as to whether they are eligible or not eligible to work in a facility.

2. Anticipated effects on the public:

- A. *Adverse*: None anticipated.
- B. *Beneficial*: Increased public safety.
- C. *Immediate*: Increased public safety.
- D. *Long-term*: Increased public safety.

3. The estimated cost to the Division of Public and Behavioral Health for enforcement of the proposed regulations is estimated to be \$0.

There are no fees that will be collected as a result of these 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, 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
Winnemucca, NV 89445-3095

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

Lincoln County Library
93 Maine Street

Lyon County Library
20 Nevin Way

Pioche, NV 89043-0330

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.