

NOTICE OF PUBLIC HEARING

Intent to Adopt Regulations
(LCB File No. R059-16)

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), Medical Facilities and Other Related Entities. This public hearing is to be held in conjunction with the State Board of Health meeting on September 9, 2016.

The State Board of Health will be conducted via videoconference beginning at 9:00 a.m. on Friday, September 9, 2016 at the following locations:

Division of Public and Behavioral Health 4150 Technology Way Room #303 Carson City, NV 89706	Southern Nevada Health District 280 S. Decatur Blvd Las Vegas, NV 89107	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:

- Requiring obstetric centers to obtain and maintain accreditation by a nationally recognized organization approved by the Division of Public and Behavioral Health (DPBH).
- Requiring the director to ensure staff and patients are adequately protected from fire or other disasters.
- Requiring that obstetric centers be constructed in accordance with the Guidelines for Design and Construction of Hospitals and Outpatient Facilities published by the Facility Guidelines Institute.
- Allowing an Advanced Practice Registered Nurse (APRN) certified as a nurse midwife to serve as the director of the center.
- Requiring the obstetric center to adopt nationally recognized infection control guidelines.
- Requiring an obstetric center to have a written agreement with at least one hospital capable of providing a higher level of obstetrical and neonatal care, but if a hospital refuses to enter into such an agreement or fails to respond to a written request for an agreement, the transfer agreement will not be required. However, the obstetric center will be required to notify each patient in writing that it does not have such an agreement.
- Requiring an obstetric center to be located within a 30 minute driving time of a licensed hospital that provides a higher level of obstetrical care.

- An errata to the proposed regulations which would require obstetric centers to implement employee tuberculosis screening standards, set for in NAC Chapter 441A and requiring the obstetric center to define “available” in policy as it relates to a physician being “available” during labor and delivery is also moving forward for consideration by the Board.

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

- A. *Adverse effects*: None. Currently there are no licensed obstetric centers in Nevada.
- B. *Beneficial*: Advanced Practice Registered Nurses (APRN) licensed as nurse midwives in Nevada would be able to serve as the director of an obstetric center therefore removing a barrier that keeps them from applying to open a center.
- C. *Immediate*: As soon as the proposed regulations become effective it would allow for APRN certified midwives to open obstetric centers.
- D. *Long-term*: There may be an increased number of obstetric centers in Nevada.

2. Anticipated effects on the public:

- A. *Adverse*: None.
- B. *Beneficial*: May expand the options low-risk women have to give birth in a licensed facility.
- C. *Immediate*: Would put additional safety measures in place that would be required to be followed if someone opened an obstetric center. It would also remove a barrier that has prevented APRN certified midwives from opening obstetric centers.
- D. *Long-term*: There may be an increased number of obstetric centers in Nevada providing low-risk women with a safe, licensed facility alternative to give birth.

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 \$1,564 with an annual renewal fee of \$782. 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 August 24, 2016 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/Reg/MedicalLabs/Notice_of_Public_Workshops_and_Proposed_Regulations/

A copy of the public hearing notice can also be found at Nevada Legislature's web page:
<http://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.