

Steve Sisolak
Governor

Richard Whitley, MS
Director



**DEPARTMENT OF
HEALTH AND HUMAN SERVICES**
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH
Helping people. It's who we are and what we do.



Lisa Sherych
Administrator

Ihsan Azzam,
Ph.D., M.D.
Chief Medical Officer

NOTICE OF PUBLIC WORKSHOP
For Proposed Amendments to Nevada Administrative Code (NAC) Chapter 441A

NOTICE IS HEREBY GIVEN that the Division of Public and Behavioral Health (DPBH) will hold a public workshop to consider an errata to proposed regulations in Legislative Counsel Bureau (LCB) File No. R002-22 and File No. R148-22 amending Nevada Administrative Code (NAC) Chapter 441A in accordance with Senate Bill (SB) 211, Assembly Bill 192, and Senate Bill 275 of the 81st Session of the Nevada Legislature which occurred in 2021 and Nevada Revised Statutes (NRS) 441A.

The workshop will be conducted via videoconference and will have a call-in option available beginning at 9:00 AM on Thursday, January 12, 2023, by using the information provided below to join on your computer or by calling in via telephone. If you have difficulties joining in by computer, you can call in utilizing the number below:

Microsoft Teams Meeting:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_MzNjYWUwMzgtNzUzMy00ODVmLWEzYWQtNTdmMDQ4MTVhMzFh%40thread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%228f8a0486-03d9-4431-9c80-8cafa9f2d92e%22%7d

Meeting ID: 210 656 597 332

Passcode: 2jKiKE

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Or call in (audio only)

[+1 775-321-6111](tel:+17753216111), [715783597#](tel:+1775783597) United States, Reno

Phone Conference ID: 715 783 597#

These workshops will be conducted in accordance with NRS 241.020, Nevada's Open Meeting Law.

AGENDA

1. Introduction of the workshop process
2. Public comment on errata to proposed regulation Legislative Council Bureau (LCB) file no. R002-22 amending Nevada Administrative Code (NAC) Chapter 441A in accordance with Senate Bill (SB) 211 of the 2021 Legislative Session and Nevada Revised Statutes (NRS) Chapter 441A.
3. Public comment on errata to proposed regulation LCB file no. R148-22 amending NAC 441A in accordance with Assembly Bill (AB) 192 and SB 275 of the 81st Legislative Session of 2021 and NRS Chapter 441A.
4. Public Comment

Summary of LCB file no. R002-22

The proposed changes will revise NAC Chapter 441A in accordance with SB 211 and NRS Chapter 441A.

The proposed regulations stem from the passage of SB 211 (formerly Bill Draft Request [BDR] 40-563), which was introduced during the Nevada 81st Legislative Session and signed by Governor Steve Sisolak on June 4, 2021. The bill establishes requirements relating to testing for sexually transmitted diseases (STD) and human immunodeficiency virus (HIV). The proposed regulations will update NAC Chapter 441A in accordance with the requirements set forth in SB 211.

Current regulations do not outline the requirement to consult with patients about whether they wish to be tested for HIV or STDs. The proposed regulation will update and require certain emergency medical service providers in a hospital or primary care setting to inquire if their patient would like HIV or STD testing. Additionally, the medical provider must assist the patient in obtaining a test(s) where practical and medically indicated. The errata further defines when a test is medically indicated and provides the United States Preventive Services Task Force (USPSTF) guidelines, under these provisions.

There are several public health reasons for bringing this change forward:

- 1) Nevada ranked 5th for the highest rates of HIV diagnoses in 2019.
- 2) Nevada ranked 1st for Primary and Secondary Syphilis in 2019.
- 3) Nevada ranked 4th for Congenital Syphilis in 2019.
- 4) Nevada ranked 17th for Chlamydia in 2019.
- 5) Nevada ranked 15th for Gonorrhea in 2019.

Additionally:

- The Centers for Disease Control and Prevention (CDC) recommends that individuals between the ages of 13 and 64 years get tested for HIV and STD as part of routine health care.
- The CDC also recommends more frequent screening of HIV and STDs (e.g., once every 3 or 6 months) for individuals with increased risk of infections.
- The United States Preventive Services Task Force (USPSTF) provides a “Grade A” recommendation that clinicians screen for HIV and STDs in adolescents and adults aged 15 to 65 years. Younger adolescents and older adults who are at increased risk of infection should also be screened.

1. Anticipated effects on the business and on the general public:

- A. *Adverse effects:* The Division of Public and Behavioral Health does not anticipate any adverse/negative impacts to businesses or the general public in the State of Nevada. It would also eliminate patients' need or awkwardness/shyness to self-advocate for HIV and STD testing.
- B. *Beneficial:* The positive/beneficial effects of 2021 SB 211 to businesses in the State of Nevada would be increased billing for HIV and STDs.
- C. *Immediate:* As soon as the proposed regulations become effective, it would increase opportunities for testing HIV and STDs across Nevada. Additionally, it would create an open dialogue with medical providers regarding any behaviors impacting their patient's health. All insurances in Nevada are required to cover HIV and STD testing following USPSTF and CDC Guidelines.
- D. *Long-term:* The long-term positive/beneficial of SB 211 effects to the public in the State of Nevada will reduce the future cost of medical care and treatment of late diagnosis of HIV and STDs. Additionally, it will destigmatize HIV and STDs among medical providers and the public. Lastly, this bill will decrease HIV and STD occurrence in the State of Nevada and potentially end the HIV epidemic in Nevada.

2. These proposed regulations will not add any costs to the current regulatory enforcement activities conducted by the DPBH. Additionally, the proposed regulations do not provide for a new fee or increase any existing fee.

The proposed regulations are not duplicative or more stringent than any federal, state, or local standards.

Summary of LCB file no. R148-22

The proposed changes will revise Nevada Administrative Code (NAC) Chapter 441A in accordance with Senate Bill (SB) 275 and Assembly Bill (AB) 192 of the 81st Legislative Session and Nevada Revised Statutes (NRS) Chapter 441A.

The proposed regulations stem from the passage of SB 275 (formerly Bill Draft Request 40-220) and AB 192 (formerly Bill Draft Request 40-453), which were both introduced during the 2021 Nevada 81st Legislative Session and signed by Governor Steve Sisolak on June 4, 2021. SB 275 revises provisions relating to communicable diseases including isolation and quarantine of a case or suspected case of a communicable diseases and removal of duplicative references to HIV and/or AIDS. AB 192 revises provisions governing the testing of pregnant women for certain sexually transmitted infections. The proposed regulations will update NAC Chapter 441A in accordance with the requirements set forth in SB 275 and AB 192. Current regulations do not require reporters to indicate if a woman who tests positive for syphilis is pregnant or require treatment information. The proposed regulation will update and require that a report of a pregnant woman who has or is suspected of having syphilis must include, without limitation, the fact that the case occurred in a pregnant woman and if treatment was provided, the type of treatment that was provided; or if the pregnant woman refused treatment, the fact that the pregnant woman refused treatment.

Additionally, the CDC recommends all pregnant women in the U.S. should be screened for syphilis during their pregnancy. Women who test positive should be treated using the most current sexually transmitted infection (STI) treatment recommendations.

Lastly, the bill revises or proposes revision as follows:

- The procedures followed by a county or city board of health or a health authority when isolating, quarantining, or treating certain persons;
- Provisions governing the investigation of a case or suspected case of a communicable disease and an order for a person with a communicable disease to submit to examination and treatment;
- Provisions concerning certain offenses relating to communicable diseases; revising provisions concerning court-ordered testing for a communicable disease;
- Provisions prohibiting the disclosure of information about certain persons investigated by the health authority;
- Provisions requiring the alleged victim of a crime involving sexual penetration to be provided with information concerning sexually transmitted diseases;
- Revising certain terminology used to refer to the human immunodeficiency virus and related matters; reestablishing the Advisory Task Force on HIV Exposure Modernization;
- Setting forth the duties of the Task Force;
- Abolishing certain crimes relating to the human immunodeficiency virus;
- Repealing certain additional provisions relating to communicable diseases;
- Providing a penalty; and
- Providing other matters properly relating thereto.

There are several public health reasons for bringing these changes forward:

- 1) Nevada ranked 5th for the highest rates of HIV diagnoses in 2019.
- 2) Nevada ranked 1st for Primary and Secondary Syphilis in 2019.
- 3) Nevada ranked 4th for Congenital Syphilis in 2019.

Anticipated effects on the business and on the general public:

- A. *Adverse effects*: The DPBH does not anticipate any adverse/negative impacts to businesses or the general public in the State of Nevada.
- B. *Beneficial*: Birth defects can occur in infants born to women who are infected with syphilis prior to or during pregnancy, this is known as congenital syphilis. Congenital syphilis can cause developmental delays and have negative neurologic manifestations. The positive/beneficial effects of AB 192 for the public would be fewer cases of untreated syphilis and lower rates of congenital syphilis. This could result in less overall medical costs to medical systems and lower costs to support children through K-12 education as well as lessen support services costs that an individual who is born with congenital syphilis could require to support in adulthood.
- C. *Immediate*: As soon as the proposed regulations become effective, it would improve the reporting information reported to public health for women who test positive for syphilis during pregnancy. This information will allow disease investigators to provide better investigations and confirm that women are adequately treated in pregnancy to prevent congenital syphilis.
- D. *Long-term*: The long-term positive/beneficial of AB 192 effects to the public in the State of Nevada will reduce the future cost of medical care and cost of support services for those born with congenital syphilis.

In addition to changes brought forth because of SB 275 and AB 192, R148-22 will update NAC 441A in the following ways:

- Add the following conditions as reportable communicable diseases:
 - o Any condition identified by the CDC as a nationally notifiable condition
 - o Babesiosis (parasite)
 - o Candida auris
 - o Coronavirus disease 2019 (COVID-19)
 - o Cyclosporiasis (parasite)
 - o Monkeypox
- Update reporting requirements for:
 - o *Haemophilus influenzae* invasive disease, removes the requirement for it to be type b
 - o Hepatitis B, specify acute and chronic
 - o Hepatitis C, specify perinatal, acute, and chronic
 - o Influenza, removed the reference to persons under 18 years of age
- Update references to current recommended treatment guidelines (i.e., reference was to a manual published in 2015, updated to 2021)
- Add reporting requirement for electronic case reporting
- Add requirement for medical laboratories to report negative results for Hepatitis C and HIV
- Add requirement for health care providers to provide negative results or proof of treatment for a specific person if requested by the health authority
- Add requirement for schools to inform parents or guardians of children who might have been exposed to a communicable disease and for schools to provide information to parents so they can monitor children for sign and symptoms of the communicable disease to which they were exposed
- Update reporting requirements for tuberculosis testing and treatment
- Update investigation requirement for chlamydia and gonorrhea, specifying that the health authority *may* investigate each case, rather than *shall*

- Update treatment language for sexually transmitted infections, specifying that a person shall be *offered* treatment, rather than *receives* treatment
- Update investigation criteria for Lyme Disease to better align with CDC guidance
- Add additional exclusion criteria from schools for individuals who test positive for measles
- Prohibit the exclusion of workers from sensitive occupations should exclusion of the person be prohibited by the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., or NRS 613.330
- Prohibit the exclusion children from a childcare facility or school should exclusion of the person be prohibited by Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., or NRS 651.050 to 651.120, inclusive

Members of the public may make oral comments at this meeting. Persons wishing to submit written testimony or documentary evidence more than two typed, 8-1/2" x 11" pages must submit the material to Tory Johnson at the Division of Public and Behavioral Health at the following address:

Tory Johnson
 Division of Public and Behavioral Health
 1840 East Sahara Avenue Suite 110-111
 Las Vegas, NV 89104
 Phone: (702) 486-0767
 Email: ToJohnson@health.nv.gov

Members of the public who require special accommodations or assistance at the workshops are required to notify Tory Johnson, Health Program Manager II, in writing to the DPBH, 1840 East Sahara Avenue Suite 110-111 Las Vegas, NV 89104, by calling 702-486-0767 or via email at: tojohnson@health.nv.gov at least five (5) working days prior to the date of the public workshop.

You may contact Tory Johnson by calling (702) 486-0767 or via email at tojohnson@health.nv.gov for further information on the proposed regulations or how to obtain copies of the supporting documents.

A copy of the notice and proposed regulations are posted and on file for inspection and/or may be copied at the following locations during normal business hours:

1. Nevada Division of Public and Behavioral Health - 4150 Technology Way, Suite# 300 Carson City, NV 89706
2. Nevada Division of Public and Behavioral Health - 1840 East Sahara Avenue Suite 110-111 Las Vegas, NV 89104
3. Nevada State Legislature - 401 S Carson St, Carson City, NV 89701
4. Southern Nevada Health District - 280 S Decatur Blvd, Las Vegas, NV 89107
5. Washoe County Health District - 1001 E 9th St B, Reno, NV 89512

A copy of the regulations and small business impact statement can be found on-line by going to: https://dpbh.nv.gov/Programs/HIV/dta/Policies/HIV_Regulation_Development_Processes/

A copy of the public hearing notice can also be found at Nevada Legislature's web page: <https://www.leg.state.nv.us/App/Notice/A/>

Copies may be obtained in person, by mail, or by calling the Office of HIV (702) 486-0767 in Las Vegas.