

Joe Lombardo
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 INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Amendment of Regulations of the Board of Health

LCB File No. R148-22 relating to communicable diseases and human immunodeficiency virus (HIV) modernization

NOTICE IS HEREBY GIVEN that the State Board of Health will hold a public hearing to consider amendments to Chapter 441A of Nevada Administrative Code (NAC). This public hearing is to be held in conjunction with the State Board of Health meeting on Friday, June 2, 2023.

The State Board of Health will be conducted via videoconference beginning at 9:00 AM (Pacific Time) on Friday, June 2, 2023, at the following locations:

Physical Meeting Locations:

Southern Nevada Health District (SNHD)

Red Rock Trail Rooms A and B

280 S. Decatur Boulevard; Las Vegas, Nevada 89107

State of Nevada - Division of Public and Behavioral Health (DPBH)

Hearing Room No. 303, 3rd Floor

4150 Technology Way; Carson City, Nevada 89706

Microsoft Team Meeting:

[https://teams.microsoft.com/l/meetup-](https://teams.microsoft.com/l/meetup-join/19%3ameeting_NGY3ZGM2ZjUtMmQ5NC00MzI2LWFhMDMtNmJhZmRjNzk1MWE3%40thread.v2/0?context=%7b%22id%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22oid%22%3a%22e2f9f008-841c-437d-b037-927c30ea003e%22%7d)

[join/19%3ameeting_NGY3ZGM2ZjUtMmQ5NC00MzI2LWFhMDMtNmJhZmRjNzk1MWE3%40thread.v2/0?context=%7b%22id%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22oid%22%3a%22e2f9f008-841c-437d-b037-927c30ea003e%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_NGY3ZGM2ZjUtMmQ5NC00MzI2LWFhMDMtNmJhZmRjNzk1MWE3%40thread.v2/0?context=%7b%22id%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22oid%22%3a%22e2f9f008-841c-437d-b037-927c30ea003e%22%7d)

Join By Phone:

+1 775-321-6111 United States, Reno

Phone Conference ID: 286 562 031#

The proposed regulations stem from the passage of Senate Bill (SB) 275 (formerly Bill Draft Request 40-220) and Assembly Bill (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 Centers for Disease Control (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; and 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.

1. Anticipated effects on the business and the general public which NAC # 441A regulates:

- 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.

2. The Division of Public and Behavioral Health determined the impact on small businesses by soliciting responses through the Public Workshop and Small Business Impact (SBI) questionnaire. SBI Statement was solicited via email to multiple listservs targeting medical providers, health facilities, county and city boards of health and health authorities, as well as community stakeholders. Additionally, the information for the Public Workshop, SBI questionnaire, SBI Statement was also provided online via the State of Nevada, Office of HIV - Regulation Development Processes Website (Link: https://dpbh.nv.gov/Programs/HIV/dta/Policies/HIV_Regulation_Development_Processes/) and posted at the local

health authorities offices. Interested parties could also request a physical copy via email (sent via mail) or in person at our office or the local health departments. The Division of Public and Behavioral Health did not receive any negative feedback regarding the proposed regulations.

3. These proposed regulations will not add any costs to the current regulatory enforcement activities conducted by the Division of Public and Behavioral Health.
4. The proposed regulations do not overlap or duplicate federal, state, or local standards.
5. The proposed regulations do not establish a new fee nor increases an existing fee.

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, Lisa Sherych to be received no later than Five (5) DAYS BEFORE MEETING DATE at the following address:

Secretary, State Board of Health
Division of Public and Behavioral Health
4150 Technology Way, Suite 300
Carson City, NV 89706
stateBOH@health.nv.gov

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
4150 Technology Way, First Floor Lobby
Carson City, NV 89706

Nevada State Library and Archives
100 Stewart Street
Carson City, NV

Nevada Division of Public and Behavioral Health
ATTN: Office of Public Health Investigations & Epidemiology (OPHIE)
500 Damonte Ranch Pkwy., STE 657
Reno, NV 89521

Southern Nevada Health District
280 S. Decatur Blvd.
Las Vegas, NV 89107

Washoe County Health District
1001 E. Ninth St.
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 Division of Public and Behavioral Health at

Tory Johnson, MMgt
Division of Public and Behavioral Health
2290 South Jones Boulevard, Suite # 110,
Las Vegas, NV 89146
Phone: (702) 486-0767
Email: ToJohnson@health.nv.gov

Copies may also be obtained from the Nevada State Library at the address listed below:

Nevada State Library & Archives
100 N. Stewart Street
Carson City, NV 89701

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.