

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

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## **NOTICE OF PUBLIC WORKSHOP**

NOTICE IS HEREBY GIVEN that the Division of Public and Behavioral Health will hold a public workshop to consider amendments to Nevada Administrative Code (NAC) Chapter 449.

The workshop will be conducted via videoconference and will have a call-in option available beginning at 1 PM on Friday, October 15, 2021 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

#### **Join on your computer or mobile app**

[Click here to join the meeting](#)

#### **Join with a video conferencing device**

[105936574@teams.bjn.vc](mailto:105936574@teams.bjn.vc)

Video Conference ID: 111 302 433 0

[Alternate VTC instructions](#)

#### **Or call in (audio only)**

[+1 775-321-6111,,911327820#](tel:+17753216111911327820) United States, Reno

Phone Conference ID: 911 327 820#

[Find a local number](#) | [Reset PIN](#)

Thank you for planning to attend this Teams meeting.

[Learn More](#) | [Meeting options](#)

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

### **AGENDA**

1. Introduction of workshop process
2. Public comment on proposed amendments to Nevada Administrative Code Chapter 449.
3. Public Comment

The proposed changes will revise Chapter 449 of the Nevada Administrative Code and are being proposed in accordance with Assembly Bill (AB) 287 of the 2021 Legislative Session and Nevada Revised Statutes (NRS) 449.0302.

The proposed regulations provide provisions for the following:

The proposed regulations bring the Board into compliance with AB 287 of the 2021 Legislative Session which requires the Board to adopt separate regulations governing the licensing and operation of freestanding birthing centers. Such regulations must:

- (a) Align with the standards established by the American Association of Birth Centers, or its successor organization, the accrediting body of the Commission for the Accreditation of Birth Centers, or its successor organization, or another nationally recognized organization for accrediting freestanding birthing centers; and
- (b) Allow the provision of supervised training to providers of health care, as appropriate, at a freestanding birthing center.

In addition, the bill makes void the obstetric center regulations previously adopted by the State Board of Health. The term “obstetric center” is being replaced by “freestanding birthing center.”

The major provisions of the proposed regulations include:

- 1) Adopting by reference and requiring freestanding birthing centers to be in compliance with the most current version of the Commission for the Accreditation of Birth Centers Indicators of Compliance with Standards for Birth Centers.
- 2) Allowing birth assistants to be a member of the clinical staff that can perform tasks that are within the education, training and competency of the birth assistant.
- 3) Requiring that a freestanding birthing center be accredited by the accrediting body of the Commission for the Accreditation of Birth Centers.
- 4) Prohibits surgeries from being performed at a freestanding birthing center but does not consider an episiotomy or repairs of laceration sustained during delivery of the newborn as surgery.
- 5) Establishes the requirements for supervised training to providers of health care.
- 6) Establishes the criteria in which a pregnant person may give birth in a freestanding birthing center so that birthing services provided in a freestanding birthing center are limited to low-risk pregnancies.
- 7) Establishes the criteria for a denial of an application, renewal, revocation or suspension of a license.
- 8) Establishes design and construction standards that must be met as well as outlining the regulations, laws and codes that the freestanding birthing center must be in compliance with.
- 9) Outlines the services that must be provided by a freestanding birthing center and requires the center to be located within 30 miles of a hospital that offers obstetric, neonatal and emergency services related to pregnancy.
- 10) Requires the freestanding birthing center to have a director in accordance with AB 287 of the 2021 Legislative Session.
- 11) Requires the freestanding birthing center to have policies and procedures for infection prevention and control that are in accordance with nationally recognized infection prevention and control guidelines.
- 12) Addresses drugs and agents that may be possessed, distributed and administered in a freestanding birthing center.
- 13) Requires the freestanding birthing center to notify the Division of any deaths that occur in the center and if the center loses its accreditation.
- 14) Establishes licensing fees.

Members of the public may make oral comments at this meeting. Persons wishing to submit written testimony or documentary evidence may submit the material to Leticia Metherell, Health Program Manager at the following address:

Leticia Metherell  
Division of Public and Behavioral Health  
727 Fairview Drive, Suite E  
Carson City, NV 89701  
Phone: 775-684-1030  
Fax: 775-684-1073  
Email: [lmetherell@health.nv.gov](mailto:lmetherell@health.nv.gov)

Members of the public who require special accommodations or assistance at the workshops are required to notify Leticia Metherell, Health Program Manager, in writing to the Division of Public and Behavioral Health, 727 Fairview Drive, Suite E, Carson City, NV 89701, by calling 775-684-1030 or via email at: [lmetherell@health.nv.gov](mailto:lmetherell@health.nv.gov) at least five (5) working days prior to the date of the public workshop.

You may contact Leticia Metherell by calling 775-684-1030 or via email at [lmetherell@health.nv.gov](mailto:lmetherell@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 the proposed regulations are on file for inspection and/or may be copied at the following locations during normal business hours:

Division of Public and Behavioral Health  
727 Fairview Drive, Suite E  
Carson City, NV

Division of Public and Behavioral Health  
4220 S. Maryland Parkway, Suite 100, Bldg A  
Las Vegas, NV

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

A copy of the regulations and small business impact statement can be found on the Division of Public and Behavioral Health's web page:

[https://dph.nv.gov/Reg/HealthFacilities/State\\_of\\_Nevada\\_Health\\_Facility\\_Regulation\\_Public\\_Workshops/](https://dph.nv.gov/Reg/HealthFacilities/State_of_Nevada_Health_Facility_Regulation_Public_Workshops/)

A copy of the public workshop notice can also be found at Nevada Legislature's web page:

<https://www.leg.state.nv.us/App/Notice/A/>

A copy of this notice has been posted at the following locations:

1. Division of Public and Behavioral Health, 4150 Technology Way, First Floor Lobby, Carson City
2. Nevada State Library and Archives, 100 Stewart Street, Carson City
3. Legislative Building, 401 S. Carson Street, Carson City
4. Grant Sawyer Building, 555 E. Washington Avenue, Las Vegas

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  
833 Las Vegas Boulevard North  
Las Vegas, NV 89101

Elko County Library  
720 Court Street  
Elko, NV 89801

Eureka Branch Library  
210 South Monroe Street  
Eureka, NV 89316-0283

Humboldt County Library  
85 East 5<sup>th</sup> Street  
Winnemucca, NV 89445-3095

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

Mineral County Library  
110 1<sup>st</sup> 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 4<sup>th</sup> Street  
Goldfield, NV 89013-0484

Henderson District Public Library  
280 South Water Street  
Henderson, NV 89105

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 regulations, 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.