

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 INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Adoption of Regulations of the Department of Health and Human Services

Date: January 13, 2021 at 9:00 A.M. - Adjournment

NOTICE IS HEREBY GIVEN that the Division of Public and Behavioral Health will hold a public hearing to consider amendments to Chapter 449 of Nevada Administrative Code (NAC), Medical Facilities and Other Related Facilities. This public hearing is to be held on January 13, 2021 at 9:00 A.M.

The hearing will be conducted via videoconference beginning at 9:00 AM on 1/13/2021 at the following locations:

Meeting link: <https://nvhealth.webex.com/nvhealth/j.php?MTID=m49948708d8ea7e54b599196140ce69ee>

Meeting number: 146 322 6698

Password: GSfsNpGV284

Join by phone: 1-415-655-0001 US Toll

Access code: 146 322 6698

This meeting will be conducted without a physical location and the notices in libraries are not currently available in accordance with Governor Sisolak's Declaration of Emergency Directive 006 which can be found at the end of this notice.

AGENDA

1. Informational Item: Open Hearing with presentation on proposed amendments.

NRS 449.2418 "Unit" defined. [Effective July 1, 2020.] "Unit" has the meaning ascribed to it by regulation of the Division. This amendment is drafted to ensure compliance with NRS 449.2418. The proposed addition/change of regulations to NAC 449 in LCB File No. R039- 20 include provisions for:

Section 1. Chapter 449 of NAC is hereby amended by adding thereto the provisions set forth in section 2:

Sec. 2. "Unit" means a component within a health care facility for providing patient care.

2. Public Comment on LCB File No. R039-20
3. For Possible Action: Adoption of regulations contained in LCB File No. R039-20
4. Public Comment
5. Adjournment

The proposed changes to NAC 449 include the following:

1. Anticipated effects on the business which NAC 449 regulates:
 - A. *Adverse effects*: There are no anticipated adverse effects on businesses that NAC 449 regulates.
 - B. *Beneficial*: No beneficial effects on business which NAC 449 regulates.

Immediate: None
Long-term: None

2. Anticipated effects on the public:
 - A. *Adverse*: None.
 - B. *Beneficial*: None
 - C. *Immediate*: None
 - D. *Long-term*: None

3. The estimated cost to the Division of Public and Behavioral Health for enforcement of the proposed regulations includes: None

The proposed regulations do not overlap or duplicate any other Nevada state regulations.

Persons wishing to comment upon the proposed action by the Nevada Department of Health and Human Services may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form to, Bureau of Healthcare Quality and Compliance, 4220 S. Maryland Pkwy Suite 100 Bldg. A, Las Vegas, NV 89119 or by email to abringard@health.nv.gov. Written submissions must be received by the Nevada Department of Health and Human Services on or before date: **December 23, 2020**. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada Department of Health and Human Services may proceed immediately to act upon any written submissions.

Additional copies of the notice and the regulation to be adopted will be available at Department of Health and Human Services for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person either before adoption or within 30 days thereafter, will 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.

In accordance with Nevada Governor Sisolak’s Declaration of Emergency Directive 006 the meeting may be done without physical locations and notices in the libraries and other locations are not currently available.

- As per Nevada Governor Sisolak’s Declaration of Emergency Directive 006; Subsection 3: The requirements contained in NRS 241.020 (4) (a) that public notice agendas be posted at physical locations within the State of Nevada are suspended.
- As per Nevada Governor Sisolak’s Declaration of Emergency Directive 006; Subsection 4: Public bodies must still comply with requirements in NRS 241.020 (4)(b) and NRS 241.020 (4)(c) that public notice agendas be posted to Nevada’s notice website and the public body’s website, if it maintains one along with providing a copy to any person who has requested one via U.S. mail or electronic mail.

- As per Nevada Governor Sisolak's Declaration of Emergency Directive 006; Subsection 5: The requirement contained in NRS 241.020 (3)(c) that physical locations be available for the public to receive supporting material for public meetings is suspended.
- As per Nevada Governor Sisolak's Declaration of Emergency Directive 006; Subsection 6: If a public body holds a meeting and does not provide a physical location where supporting material is available to the public, the public body must provide on its public notice agenda the name and contact information for the person designated by the public body from whom a member of the public may request supporting material electronically and must post supporting material to the public body's website, if it maintains one.

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.

A copy of the regulations and small business impact statement can be found online by going to:

http://dpbh.nv.gov/Reg/HealthFacilities/State_of_Nevada_Health_Facility_Regulation_Public_Workshops/

A copy of the notice can be found online by going to:

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

http://dpbh.nv.gov/Reg/HealthFacilities/State_of_Nevada_Health_Facility_Regulation_Public_Workshops/

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.