

Joe Lombardo
Governor



Richard Whitley,
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Director



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MPH
Administrator

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NOTICE OF PUBLIC WORKSHOP

BACKGROUND

NOTICE IS HEREBY GIVEN that the Division of Public and Behavioral Health (DPBH) will hold a public workshop to consider amendments to Nevada Administrative Code (NAC) Chapter 652.

The workshop will be conducted via videoconference beginning at 9:00 a.m. on July 12, 2024, at the following locations:

- [Click here to join the workshop via Microsoft Teams.](#)
- Join by phone: (775) 321-6111 | Phone conference ID: 956 470 639#
- Division of Public and Behavioral Health, 4220 South Maryland Parkway, Ste. 100 Building A, Las Vegas, NV 89119

This workshop 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 NAC Chapter 652.
3. General Public Comment

The proposed changes will revise Chapter 652 of the Nevada Administrative Code and are being proposed in accordance with §§ 1 and 4, NRS 439.200, 652.090 and 652.130; §§ 2 and 3, NRS 439.200 and 652.130; §§ 5-8, 10-17 and 20, NRS 439.200, 652.125 and 652.130; § 9, NRS 439.200, 652.125 and 652.130, as amended by section 29 of Assembly Bill No. 432; chapter 230 of Statutes of Nevada 2023, at page 1462; §§ 18 and 19 of NRS 439.200 and 652.125.

The proposed regulations provide provisions for the following:

1. Bring the NAC into compliance with Assembly Bill (AB) 432 of the 2023 Legislative Session; Chapter 230 Statutes of Nevada 2023 at page 1462; and changes to the Federal Register 42 CFR part 493 effective Dec. 28, 2024.
2. The proposed amendments would enact the legislation as follows:

Sections 1-6, 13 and 17-19 of this proposed regulation change remove the requirement that an application for the issuance or renewal of a laboratory personnel certificate, and laboratory license, registration or permit be submitted on a form provided by DPBH and instead require such an application to be made in the form prescribed by DPBH. Section 15 of this proposed regulation change similarly replaces references to a form for the renewal of certification as laboratory personnel with references to an application for the renewal of such certification. Section 15 accordingly replaces a requirement that DPBH provide that form to the holder of such certification

not less than 90 days before the expiration of the certificate with a requirement that DPBH notify the holder of the impending expiration of the certificate.

Existing law requires that regulations adopted by the Board of Health (BOH) that require the directors of laboratories that perform only certain tests to be licensed physicians must include licensed optometrists among such physicians (NRS 652.130 as amended by Section 29 of Assembly Bill No. 432; and Chapter 230 Statutes of Nevada 2023 at page 1462). Section 9 of this regulation provides that a licensed optometrist may serve as the director of a laboratory that performs only such tests or provider-performed microscopy procedures.

Sections 10, 11 and 16 of this proposed regulation change revise the qualifications for certification as a histotechnologist, a histologic technician and a technologist, respectively, in a manner that expands the persons eligible for such certification. Section 12 of this proposed regulation change corrects a typographical error.

Existing regulations generally require the technical personnel of a laboratory to be certified by DPBH. However, existing regulations authorize a laboratory to temporarily employ uncertified personnel for not more than 12 months while an application for certification is being processed (NAC 652.470). Section 13 of this proposed regulation change (1) revises the length of such a period of temporary employment to not more than 6 months while the application is being processed; and (2) authorizes an additional period of temporary employment for not more than 30 days after an application has been reviewed and DPBH has requested additional information from the applicant. Section 13 of this proposed regulation change also revises the date by which substantiating documents for an application for certification as laboratory personnel must be submitted.

Existing regulations generally require any technical personnel newly employed in a laboratory which only performs tests on patients of a particular physician and the partner and associates of his or her private practice to be certified as at least an office laboratory assistant. However, existing regulations authorize a person who does not hold such certification to serve as an office laboratory trainee for not more than 6 months (NAC 652.472). Section 14 of this proposed regulation change removes such authorization, thereby requiring any person newly employed in such a laboratory to be certified as at least an office laboratory assistant. Section 14 also: (1) requires the laboratory director of such a laboratory to ensure that an office laboratory assistant performing certain testing is appropriately trained and educated; and (2) requires an office laboratory assistant performing certain testing to possess the qualifications required by certain federal regulations.

Section 20 of this proposed regulation change repeals a requirement that a program of training intended to prepare a person for certification be approved by DPBH. Sections 7 and 8 of this regulation make conforming changes to remove references to the repealed section. Sections 7, 8, 10 and 11 update the names of certain organizations. Sections 18 and 19 of this regulation correct certain references to sections of the NAC.

Sections 7, 8, 11, 12, 13, 14, and 15 of this proposed regulation change make conforming changes to update laboratory personnel qualifications according to 42 CFR Part 493 changes that will be effective Dec. 28, 2024.

Section 10 of this proposed regulation change allows for students enrolled in an accredited school for Licensed Practical Nursing (LPN) to be eligible for a Point of Care (POC) Analyst personnel certification.

3. All laboratory personnel applying for licensure or certification, facilities applying for State of Nevada laboratory licensure, and optometrists pursuant to Chapter 636 of NRS will be impacted by this proposed amendment.
4. No fees will be impacted by this proposed amendment.
5. There are no agreements or compliance issues with this proposed amendment.
6. There are no additional or updated definitions or boundaries of this proposed amendment.
7. This amendment clarifies that LPN students are eligible for POC Analyst certification; clarifies the personnel licensure process; clarifies updated laboratory personnel requirements; and repeals NAC 652.600
8. This proposed amendment expands the personnel certification of POC analysts by clarifying that LPN students are eligible for POC analyst certification.
9. This proposed amendment details that the forms used for application are prescribed by DPBH. It also details the personnel requirement changes prescribed by 42 CFR 493 updates effective Dec. 28, 2024.
10. This proposed amendment updates the regulatory language regarding facility and personnel applications with DPBH. It also expands the eligibility criteria for the POC Analyst personnel certification and updates the state personnel requirements to be in compliance with the changes to 42 CFR 493, effective Dec. 28, 2024.

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 the manager of the affected Regulatory Unit: Bradley Waples, Health Facility Inspection Manager, Medical Laboratory Services at the following address:

Division of Public and Behavioral Health
 4220 South Maryland Parkway, Suite 100, Building A
 Las Vegas, NV 89119
 Phone: 775-430-0034
 Fax: 702-486-6520
bwaples@health.nv.gov

Members of the public who require special accommodations or assistance at the workshops are required to notify Bradley Waples in writing to the Division of Public and Behavioral Health, 4220 South Maryland Parkway, Ste. 100, Bldg. A, Las Vegas, NV 89119, or by calling 775-430-0034 at least five (5) working days prior to the date of the public workshop.

Contact Bradley Waples by calling 775-430-0034 for further information on the proposed regulations or how to obtain copies of the supporting documents.

A copy of the notice and/or 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
 4150 Technology Way, First Floor Lobby
 Carson City, NV 89706

Division of Public and Behavioral Health
 4220 S. Maryland Parkway, Suite 100, Bldg. A
 Las Vegas, NV 89119

Division of Public and Behavioral Health
 727 Fairview Drive, Suite E
 Carson City, NV 89701

Nevada State Library and Archives
 100 Stewart Street
 Carson City, NV 89701

A copy of the regulations and small business impact statement can be found on the [Division of Public and Behavioral Health's web page linked here](#).

A copy of the public workshop notice can also be found at the [Nevada Legislature web page linked here.](#)

Copies may be obtained in person, by mail, or by calling the Division of Public and Behavioral Health at (702) 486-6515.

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.