

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

STATE BOARD OF HEALTH

MEETING AGENDA August 20, 2021 9:00 a.m. to Adjournment

This meeting will be held online or by phone. The online and phone meeting location is:

Join Zoom Meeting

<https://zoom.us/j/93357482790?pwd=bGUzcVp4aFpDUjhEdm8yLzdpVWFuQT09>

Meeting ID: 933 5748 2790

Passcode: 105311

One tap mobile

+12532158782,,93357482790#,,,,*105311# US (Tacoma)

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Please Note: Agenda items may be taken out of order, combined for consideration, and or removed from the agenda at the chairperson's discretion.

1) Call to order/roll call – Jon Pennell, Chair

Members: Jon Pennell, DVM (Chair); Jeffrey Murawsky, MD; Monica Ponce, DDS; Charles Smith; Judith Bittner, RN; Trudy Larson, MD

2) ACTION ITEM: Consideration and Possible Adoption of Proposed Emergency Statement and Emergency Regulation Amendment of Nevada Administrative Code (NAC) 441A.755, relating to university, community college and state college students providing proof of immunity to certain communicable diseases, including COVID-19. – Julia Peek, Deputy Administrator, DPBH

a) PUBLIC COMMENT: Public testimony under this agenda item may be presented by phone, computer, or written comment. Because of time considerations, each caller offering testimony during this period for public comment will be limited to not more than **2:00 minutes**. A person may also have comments added to the minutes of the meeting by submitting them in writing either in addition to testifying or in lieu of testifying. Written comments may be submitted electronically before, during, or after the meeting by email to jpfilippi@health.nv.gov. You may also mail written documents to the Division of Public and Behavioral Health, 4150 Technology Way, Suite 300, Carson City, NV 89706, or fax them to (775) 687-7570. **Use of obscenities or other behavior which disrupts the meeting to the extent that its orderly conduct is made impractical may result in the forfeiture of the opportunity to provide public comment or removal from the meeting.**

3) GENERAL PUBLIC COMMENT (Action may not be taken on any matter brought up under this agenda item until scheduled on an agenda for a later meeting)

Public testimony under this agenda item may be presented by phone, computer, or written comment. Because of time considerations, each caller offering testimony during this period for public comment will be limited to not more than **2:00 minutes**. To provide public testimony during this period of public comment, members of the public may call any time after 9:00 a.m. on August 20, 2021. A person may also have comments added to the minutes of the meeting by submitting them in writing either in addition to testifying or in lieu of testifying. Written comments may be submitted electronically before, during, or after the meeting by email to jpfilippi@health.nv.gov. You may also mail written documents to the Division of Public and Behavioral Health, 4150 Technology Way, Suite 300, Carson City, NV 89706, or fax them to (775) 687-7570. **Use of obscenities or other behavior which disrupts the meeting to the extent that its orderly conduct is made impractical may result in the forfeiture of the opportunity to provide public comment or removal from the meeting.**

4) Adjournment – Jon Pennell, Chair

AGENDA POSTING LOCATIONS

NEVADA DIVISION OF PUBLIC AND BEHAVIORAL HEALTH – 4150 Technology Way, Carson City, NV 89706
WASHOE COUNTY HEALTH DISTRICT – 1001 E. Ninth Street, Reno, NV 89512
SOUTHERN NEVADA HEALTH DISTRICT - 280 S. Decatur Blvd, Las Vegas, NV 89107
GRANT SAWYER BUILDING – 555 E. Washington Ave, Las Vegas, NV 89101

On the Internet at the Nevada Division of Public and Behavioral Health website: <http://www.dpbh.nv.gov>

On the internet at the Nevada Public Notice website: <https://notice.nv.gov>

On the internet at the Legislative Counsel Bureau website: <http://leg.state.nv.us>

Written comments in excess of one typed page on any agenda items which requires a vote are respectfully requested to be submitted to the State Board of Health at the above address five (5) calendar days prior to the meeting to ensure that adequate consideration is given to the material. We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting.

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify the Secretary of the State Board of Health in writing at: Division of Public and Behavioral Health, 4150 Technology Way, 3rd Floor, Carson City, NV 89706, or by calling Joseph Filippi at 775-684-5850 no later than three (3) working days prior to the meeting date.

Supporting material for this meeting can be obtained from the Division of Public and Behavioral Health, by calling Joseph Filippi at 775-684-5850 or emailing jpfilippi@health.nv.gov.

EMERGENCY REGULATION OF THE BOARD OF HEALTH

Italics, blue: New proposed language

~~{Red}~~: Removed language

AUTHORITY: NRS 441A.120; NRS 233B.0613

Section 1. NAC 441A.755 is hereby amended as follows:

NAC 441A.755 University, Community college, and State college students: Proof of immunity to certain communicable diseases required; exceptions; exclusion from university, community college, state college. (NRS 441A.120)

1. Except as otherwise provided in subsection ~~{10}~~ **11** or unless excused because of religious belief or medical condition, a person shall not attend a university until he submits to the university proof of immunity to tetanus, diphtheria, measles, mumps, rubella, and any other disease specified by the State Board of Health. The Division shall establish the immunization schedule required for admission of the student.

2. Except as otherwise provided in subsection 11 or unless excused because of religious belief or medical condition, a person shall not enroll in courses at a university, community college, or state college on or after November 1, 2021, unless the person submits to the institution proof of a completed COVID-19 vaccination series.

~~{2-}~~**3.** Except as otherwise provided in subsection ~~{10}~~ **11** or unless excused because of religious belief or medical condition, a person who:

- (a) Is less than 23 years of age; and
- (b) Is enrolled as a freshman;

↪ shall not attend a university until he or she submits to the university proof of immunity to Neisseria meningitidis. The Division shall establish the immunization schedule required for admission of the student.

~~{3-}~~**4.** ***Except as required by subsection 2, {A} a student may enroll in the university, community college, or state college conditionally if the student, or if the student is a minor, the parent or legal guardian of the student, submits a record of immunization stating that the student is in the process of obtaining the required immunizations, and that record shows that the student has made satisfactory progress toward obtaining those immunizations.***

~~{4-}~~**5.** The university, ***community college, and state college*** shall retain the proof of immunity on a computerized record or on a form provided by the Division.

~~{5-}~~**6.** The university, ***community college, or state college*** shall not refuse to enroll a student because he has not been immunized if the student, or if the student is a minor, the parent or legal guardian of the student, has submitted to the ~~{university}~~ ***institution*** a written statement indicating that his religious belief prohibits immunizations. The ~~{university}~~ ***institution*** shall keep the statement on file.

~~{6-}~~**7.** If the medical condition of a student does not permit him to be immunized to the extent required, the student, or if the student is a minor, the parent or legal guardian of the student, must submit to the ~~{university}~~ ***institution*** a statement of that fact written by a licensed physician. The ~~{university}~~ ***institution*** shall keep the statement on file.

~~{7-}~~**8.** If additional requirements of immunity are imposed by law after a student has been enrolled in the ~~{university}~~ ***institution***, the student, or if the student is a minor, the parent or legal guardian of the

student, shall submit an additional proof of immunity to the ~~[university]~~ *institution* stating that the student has met the new requirements of immunity.

~~[8.]~~**9.** If the health authority determines that, at ~~[the]~~ *a community college, state college, or* university, there is a case having a communicable disease against which immunity is required for admission to the university, and a student who has not submitted proof of immunity to that disease is attending that university, the president of the *institution* ~~[university]~~ shall require that:

- (a) The student be immunized; or
- (b) The student be excluded from the *institution* ~~[university]~~ until allowed to return by the health authority.

~~[9.]~~**10.** A student shall not attend a university, *community college, or state college* from which he is excluded until allowed to return by the health authority. The parent or legal guardian of a student, if the student is a minor, shall not allow the student to attend a university, *community college, or state college* from which he is excluded until allowed to return by the health authority.

~~[10.]~~**11.** Any student who is enrolled in a program of distance education and who does not attend a class on campus is exempt from the requirements of this section.

~~[11.]~~**12.** As used in this section:

- (a) "Postsecondary educational institution" has the meaning ascribed to it in [NRS 394.099](#).
- (b) "University" means any university within the Nevada System of Higher Education or any private postsecondary educational institution.
- (c) "*Community college*" means all of the community colleges within the Nevada System of Higher Education.
- (d) "*State college*" means all of the state colleges within the Nevada System of Higher Education.
- (e) "*Institution*" means any university, community college, or state college as described above.