

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

Variance #717

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NOTICE OF PUBLIC HEARING

HUMBOLDT GENERAL HOSPITAL EMS RESCUE IS REQUESTING A VARIANCE, #717, FROM THE NEVADA STATE BOARD OF HEALTH REGULATIONS.

NOTICE IS HEREBY GIVEN that HUMBOLDT GENERAL HOSPITAL EMS RESCUE has requested a variance from Nevada Revised Statutes (NRS) 450B.1915 and Nevada Administrative Code (NAC) 450B.384 and 450B.461.

A public hearing will be conducted on September 3rd, 2021 at 9:00 am, by the Nevada State Board of Health to consider this request. This meeting will be held via online conference and at physical locations.

Meeting Locations:

- **Red Rock Conference Room,**
Southern Nevada Health District,
280 S. Decatur, Las Vegas, NV 89107
- **4150 Technology Way; Conference Room 303**
4150 Technology Way, Third Floor
Carson City, NV 89706

Join from computer using the meeting link:

[https://zoom.us/j/99339558897?](https://zoom.us/j/99339558897?pwd=dis1akphUFNIS1pTUE9BQTBINFRNUT09)
pwd=dis1akphUFNIS1pTUE9BQTBINFRNUT09 Meeting ID: 993 3955 8897
Passcode: 640932
One tap mobile: +12532158782,,99339558897,,,,*640932# US

Join by Phone:

+1 669 900 9128
Meeting ID: 993 3955 8897
Passcode: 640932

Humboldt General Hospital EMS Rescue is requesting a variance from NRS 450B. 1915 and NAC 450B.384 and 450B.461, which state:

NRS 450B.1915 Authorized activities of advanced emergency medical technician. An advanced emergency medical technician may perform any procedure and administer any drug:

1. Approved by regulation of the board; or
2. Authorized pursuant to [NRS 450B.1975](#), if the advanced emergency medical technician has obtained an endorsement pursuant to that section.

(Added to NRS by [1981, 278](#); A [1987, 2210](#); [2009, 1533](#); [2013, 944](#))

NAC 450B.384 Practice beyond scope of certificate prohibited; exception. ([NRS 450B.120, 450B.180](#)) The holder of a certificate issued pursuant to [NAC 450B.360](#) shall not practice beyond the scope of the certificate unless authorized by the health authority which issued the certificate.

(Added to NAC by Bd. of Health, eff. 11-1-95)

NAC 450B.461 Restrictions on authority to administer. ([NRS 450B.120, 450B.180, 450B.1915, 450B.197, 453.375, 454.213](#))

1. No paramedic may administer any controlled substance as defined in the preliminary chapter of NRS to a patient while serving as an attendant in a service unless the controlled substance is named on the inventory of medication issued by the medical director of the service and:

- (a) An order is given to the paramedic by a physician or a registered nurse supervised by a physician; or
- (b) The paramedic is authorized to administer the controlled substance pursuant to a written protocol that is approved by the medical director of the service and on file with the Division.

2. No advanced emergency medical technician or paramedic may administer any dangerous drug while serving as an attendant in a service unless the dangerous drug is named on the inventory of medication issued by the medical director of the service and:

- (a) An order is given to the advanced emergency medical technician or paramedic by a physician or a registered nurse supervised by a physician; or
- (b) The advanced emergency medical technician or paramedic is authorized to administer the drug pursuant to a written protocol that is approved by the medical director of the service and on file with the Division.

3. An emergency medical technician shall not administer or assist in administering any dangerous drug.

4. As used in this section, "dangerous drug" has the meaning ascribed to it in [NRS 454.201](#).

(Added to NAC by Bd. of Health, eff. 8-1-91; A by R182-01, 3-5-2002; R024-14, 10-24-2014; R068-16, 1-27-2017)

The authority of the State Board of Health to consider and grant a variance from the requirements of a regulation is set forth at NRS 439.200 and NAC 439.200 – 439.280.

Persons wishing to comment upon the proposed variance may appear at the scheduled public hearing or may submit written testimony at least five days before the scheduled hearing to:

Secretary, State Board of Health
Division of Public and Behavioral Health
4150 Technology Way, Suite 300
Carson City, NV 89706

Anyone wishing to testify for more than five minutes on the proposed variance must petition the Board of Health at the above address. Petitions shall contain the following: 1) a concise statement of the subject(s) on which the petitioner will present testimony; 2) the estimated time for the petitioner's presentation.

This notice has also been posted at the following locations:

DIVISION OF PUBLIC AND BEHAVIORAL HEALTH, 4150 TECHNOLOGY WAY, CARSON CITY, NV

DIVISION OF PUBLIC AND BEHAVIORAL HEALTH WEBSITE:

<http://dpbh.nv.gov/Boards/BOH/Meetings/Meetings/>

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Chief Medical Officer

MEMORANDUM

Date: July 1, 2021

To: Jon Pennell, DVM, Chairperson
State Board of Health

From: Lisa Sherych, Secretary
State Board of Health

A handwritten signature in blue ink that reads "Lisa Sherych".

RE: Case #717, Mr. Brett Peine, Humboldt General Hospital Ambulance

Nevada Administrative Code (NAC) [450B.384](#) states:

“The holder of a certificate issued pursuant to [NAC 450B.360](#) shall not practice beyond the scope of the certificate unless authorized by the health authority which issued the certificate.”

Additionally, NAC 450B.461 provides:

1. No paramedic may administer any controlled substance as defined in the preliminary chapter of NRS to a patient while serving as an attendant in a service unless the controlled substance is named on the inventory of medication issued by the medical director of the service and:

(a) An order is given to the paramedic by a physician or a registered nurse supervised by a physician; or

(b) The paramedic is authorized to administer the controlled substance pursuant to a written protocol that is approved by the medical director of the service and on file with the Division.

2. No advanced emergency medical technician or paramedic may administer any dangerous drug while serving as an attendant in a service unless the dangerous drug is named on the inventory of medication issued by the medical director of the service and:

(a) An order is given to the advanced emergency medical technician or paramedic by a physician or a registered nurse supervised by a physician; or

(b) The advanced emergency medical technician or paramedic is authorized to administer the drug pursuant to a written protocol that is approved by the medical director of the service and on file with the Division.

3. An emergency medical technician shall not administer or assist in administering any dangerous drug.

4. As used in this section, “dangerous drug” has the meaning ascribed to it in [NRS 454.201](#).

STAFF REVIEW

Brett Peine, on behalf of Humboldt General Hospital Ambulance (“Applicant”), submitted a request for variance from the requirements of NAC 450B.384 and NAC 450B.461. Applicant is requesting approval to allow Advanced Emergency Medical Technicians (AEMTs) employed by Applicant to administer Fentanyl for pain management. Fentanyl administration at the AEMT level is currently not recognized by the National Highway Traffic Safety Administration (NHTSA) at the AEMT level.

DEGREE OF RISK TO PUBLIC

There is little to no risk to the public health in allowing the applicant to train and authorize AEMTs to administer fentanyl for pain management per established, approved off-line protocols or under direction received via radio contact with a hospital. The Applicant, with support of the agency Medical Director, has presented a strong program for training, implementation of the skill set, as well as quality assurance and review. Ambulances are required to stock naloxone for treatment of opioid overdoses.

EXCEPTIONAL AND UNDUE HARDSHIP

Transport times in rural communities such as Winnemucca and surrounding communities can be more than 20 minutes. Limited crew staffing can make management of critical patients difficult. Strict application of NAC 450B.384 prevents the Applicant from utilizing fentanyl for pain control in the pre-hospital setting by AEMTs.

PUBLIC COMMENT RECEIVED

STAFF RECOMMENDATION

DPBH staff recommend the State Board of Health approve Case # 717, Brett Peine, Humboldt General Hospital Ambulance a variance to NAC 450B.38 and NAC 450B.461. Transport times in frontier and rural settings can be significant. Improved control and management of pre-hospital pain for patients could improve patient outcome. The Applicant must report any adverse outcomes from administration or improper administration as well as unanticipated reactions to fentanyl in a written report to the EMS office within 72 hours of occurrence. The report should include at a minimum, the occurrence and steps for correction, remediation or removing that skill set from the provider involved in the occurrence

PRESENTER

Bobbie Sullivan, Emergency Medical Systems Program Manager

ATTACHMENTS



HUMBOLDT GENERAL HOSPITAL EMS RESCUE

118 E. Haskell Street • Winnemucca, Nevada 89445
Phone 775.623.5222

Humboldt General Hospital EMS & Rescue is seeking a variance to Nevada Administrative Code 450B.384 and 450B.461 as well as NRS 450B.1915.

The variance we are requesting is as follows:

- Allowing Advanced Emergency Medical Technicians to administer Fentanyl to patients under a set of very strict guidelines, training requirements and authority of the Medical Director.

Any person who, because of unique circumstances, is unduly burdened by a regulation of the State Board of Health and thereby suffers a hardship and the abridgement of a substantial property right may apply for a variance from a regulation. (NAC 439.200(1))

1. The State Board of Health will grant a variance from a regulation only if it finds from the evidence presented at the hearing that:

(a) There are circumstances or conditions which:

- (1) Are unique to the applicant;
- (2) Do not generally affect other persons subject to the regulation;
- (3) Make compliance with the regulation unduly burdensome; and
- (4) Cause a hardship to and abridge a substantial property right of the applicant;

and

(b) Granting the variance:

- (1) Is necessary to render substantial justice to the applicant and enable him to preserve and enjoy his property; and
- (2) Will not be detrimental or pose a danger to public health and safety.

Humboldt General Hospital EMS & Rescue will show through this documentation, as well as during the in-person meeting, the agency has a set of unique circumstances and is burdened by a regulation.

A1- Humboldt General Hospital EMS & Rescue provides Emergency Medical Services to Humboldt County as well as parts of Lander, Pershing, and Malheur County that encompasses more than 10,000 square miles, serving 17,000 residents. Driving distance can well exceed an hour from the Critical Access Hospital. The closest higher level of care to Winnemucca is several hours in any direction: Reno, NV and Boise, ID.

Humboldt County is an extremely rural community, making our medical care situation unique.



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A2 – Our variance request would not affect other persons subject to the regulation.

A3 – Regulation burdens Humboldt General Hospital EMS & Rescue, Humboldt County, and our patients through limiting the level of service we can provide. The rural area makes hiring of paramedics difficult and Advanced EMTs are limited from the change of scope from EMT Intermediate to Advanced EMT. Additionally, the distance and call volume often require the use of call back crews to answer pending calls. Frequently, these crews consist of Advance EMT's rather than paramedics.

B2 – The administration of the Fentanyl will not pose a danger to public health and safety; it would do the opposite and provide better care to our patients. Advanced EMT's are currently trained in the reversal agent Naloxone for narcotics and bag valve mask ventilation.

STATEMENT OF DEGREE OF RISK OF HEALTH:

The Humboldt General Hospital EMS & Rescue responded to nearly 3,000 calls for service in 2020, many of which include motor vehicle collisions, falls, and other traumatic injuries. Multiple calls of service at one time, can be spread across the large service area Humboldt County. Without the immediate availability of paramedics, and the subsequent administration of analgesia, patients may suffer increased pain during packaging and transport.

AN EXCEPTIONAL AND UNDUE HARDSHIP RESULTS FROM A STRICT APPLICATION OF THE REGULATION:

The hardship exists is the difficulty in recruiting and retaining paramedics extremely rural community. Also due to times of multiple calls of service situations, a paramedic may be unavailable to staff the ambulance.

THE VARIANCE, IF GRANTED, WOULD NOT:

A. CAUSE SUBSTANTIAL DETRIMENT TO THE PUBLIC WELFARE.

Approval of this variance would not cause a detriment to the public welfare; it would provide the opposite affect and provide the citizens and visitors with exceptional medical care in the prehospital environment. The potential for damage is mitigated through continual, thorough training and the availability of naloxone.

B. IMPAIR SUBSTANTIALLY THE PURPOSE OF THE REGULATION FROM WHICH THE APPLICATION SEEKS A VARIANCE.

HUMBOLDT GENERAL HOSPITAL EMS RESCUE

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The variance would not impair the purpose of the regulation, to comply with the purpose the Humboldt General Hospital EMS & Rescue would provide the appropriate medical oversight and training before allowing our providers to act. Furthermore, 100% quality assurance review by Training Captain and Medical Director and recurring training would occur.

Humboldt General Hospital EMS & Rescue has the following plan, if the Board of Health approves this variance:

Fentanyl:

All eligible providers will receive 8 hours of training in the use of Fentanyl. Providers will receive didactic instruction, protocol review, and psychomotor scenarios covering appropriate use and procedure for administering Fentanyl, along with recognition and management of adverse effects related to Fentanyl administration. Providers will have a great understanding of the rules and regulations surrounding controlled substances. Training will be conducted by our EMS Training Captain who is a Paramedic/EMS RN. Quality Assurance reviews will be conducted on 100% of AEMT fentanyl administration and recurring training will insure provider competency.

In conclusion, this variance will allow our Advanced EMT's to provide a needed higher level of care to our patients. Humboldt General Hospital EMS & Rescue would like to thank the Board for your time and considerations of the requested variance.

Sincerely,



Brett Peine, B.S. NRP
Chief



Charles Stringham, M.D.
Medical Director