

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 #716

NEVADA STATE BOARD OF HEALTH
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH
4150 Technology Way, Suite 300
CARSON CITY, NV 89706

APPLICATION FOR VARIANCE

Please check the appropriate box that pertains to the NAC for which you are requesting a variance.

Division Administration
(NAC 439, 441A, 452, 453A, & 629)

Health Care Quality & Compliance
(NAC 449, 457, 459 & 652)

Child, Family & Community Wellness
(NAC 392, 394, 432A, 439, 441A, & 442)

Health Statistics, Planning,
Epidemiology and Response
(NAC 440, 450B, 452, 453, 453A, & 695C)

Public Health & Clinical Services
(NAC 211, 444, 446, 447, 583, & 585)

Date: 03/10/2021

Name of Applicant: CITY OF ELY FIRE DEPT. Phone: 775-289-6633

Mailing Address: 1780 GREAT BASIN BLVD., EL

City: ELY State: NV Zip: 89301

We do hereby apply for a variance to
chapter/section (1) NAC 450B.384 & (2) 450B.461 of the Nevada
Administrative Code (NAC). (For example: NAC 449.204) (3) NRS450B.1915

Title of section in question: 1. PRACTICE BEYOND SCOPE OF CERTIFICATION

Statement of existing or proposed conditions in violation of the NAC: 2. RESTRICTIONS ON AUTHORITY TO ADMINISTER
3. AUTHORIZED ACTIVITIES OF AEMT

PLEASE SEE ATTACHED

NEVADA STATE BOARD OF HEALTH
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CARSON CITY, NV 89706

APPLICATION FOR VARIANCE

Date of initial operation (if existing): 1906

ATTENTION: Please read this section closely. Your request for variance will be examined against these criteria:

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. ✓
2. Whenever an applicant for a variance alleges that he suffers or will suffer economic hardship by complying with the regulation, he must submit evidence demonstrating the costs of his compliance with the regulation. The Board will consider the evidence and determine whether those costs are unreasonable. (NAC 439.240)

Therefore, it is important for your variance request to be as complete as possible. It is your responsibility to attach documentation supportive of your variance request.

Statement of degree of risk of health

PLEASE SEE ATTACHED

NEVADA STATE BOARD OF HEALTH
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APPLICATION FOR VARIANCE

Please state in detail the circumstances or conditions which demonstrate that:

1. An exceptional and undue hardship results from a strict application of the Regulation:

PLEASE SEE ATTACHED

2. The variance, if granted, would not:

A. Cause substantial detriment to the public welfare.

PLEASE SEE ATTACHED

B. Impair substantially the purpose of the regulation from which the application seeks a variance.

PLEASE SEE ATTACHED

The bureau may require the following supporting documents to be submitted with and as a part of this application:

1. Legal description of property concerned N/A

2. General area identification map PLEASE SEE ATTACHED

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APPLICATION FOR VARIANCE

- _ 3. Plat map showing locations of all pertinent items and appurtenances N/A
- _ 4. Well log (if applicable) N/A
- _ 5. Applicable lab reports N/A
- _ 6. Applicable engineering or construction/remodeling information N/A
- _ 7. Other items (see following pages)

This application must be accompanied by evidence demonstrating the costs of your compliance with regulations or specific statutory standards. Your request will be placed on the Board of Health agenda 40 days or more after receipt in this office if accompanied by the required fee (NAC 439.210). The application and supporting documentation will form the basis for the Division of Public and Behavioral Health staff report and recommendation(s) to the Board. Failure to respond to the above statements may cause the Board to deny consideration of the application at the requested Board meeting.

Please schedule this hearing during:

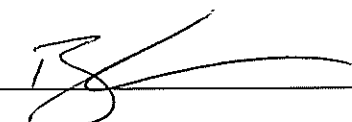
- The next regularly scheduled Board of Health meeting, regardless of location.
(IF MEETING VIA VIDEO)
- The next scheduled meeting in Carson City.
(IF MEETING IS IN PERSON)
- The next scheduled meeting in Las Vegas.

Signature: _____

Printed Name: _____

Title: _____

Date: _____


Bodie Colla
ASST. CHIEF / EMS
03/10/2021

NEVADA STATE BOARD OF HEALTH
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH
4150 Technology Way, Suite 300
CARSON CITY, NV 89706

APPLICATION FOR VARIANCE

**PLEASE SUBMIT YOUR APPLICATION FOR VARIANCE BY USING
ANY OF THE FOLLOWING METHODS:**

MAIL TO:

Lisa Sherych, Administrator
Division of Public and Behavioral Health
4150 Technology Way, Suite 300
Carson City, NV 89706

FAX:

775-687-7570

EMAIL:

DPBH@health.nv.gov

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Lisa Sherych
Administrator

Ihsan Azzam,
Ph.D., M.D.
Chief Medical Officer

NOTICE OF PUBLIC HEARING

THE CITY OF ELY FIRE DEPARTMENT IS REQUESTING A VARIANCE, #716, FROM THE NEVADA STATE BOARD OF HEALTH REGULATIONS.

NOTICE IS HEREBY GIVEN that the CITY OF ELY FIRE DEPARTMENT 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?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

The City of Ely Fire Department is requesting a variance from NRS 450B.1915, 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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Lisa Sherych
Administrator

Ihsan Azzam,
Ph.D., M.D.
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 
RE: Case #716, Mr. Bodie Golla, City of Ely Fire Department

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.”

STAFF REVIEW

Bodie Golla, on behalf of the City of Ely Fire Department (“Applicant”) has submitted a request for variance from the requirements of NAC 450B.384. Applicant is requesting approval to allow Advanced Emergency Medical Technicians (AEMTs) employed by Applicant to perform endotracheal intubations (ET), including a variance to utilize the AutoVent 4000. Both the skill set of endotracheal intubation and use of a ventilator 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 perform endotracheal intubations. 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. Including the use of AutoVent 4000 by AEMTs for intubated patients would be upon successful completion of training. Both skills require continued competency overseen by Applicant. Advanced providers, Paramedics and AEMTs are required to have a second advanced airway option on the ambulance. Supraglottic airway devices are required on all ambulances at the AEMT and Paramedic level of care.

EXCEPTIONAL AND UNDUE HARDSHIP

Transport times in rural communities such as Ely and surrounding communities can be in excess of 20 minutes. Limited crew staffing can make management of critical patients difficult. Strict enforcement of NAC 450B.384 would not allow for Applicant's AEMTS to use other than supraglottic airway devices for securing an airway on a patient in the pre-hospital setting or use of a ventilator.

PUBLIC COMMENT RECEIVED

STAFF RECOMMENDATION

DPBH staff recommend the State Board of Health approve Case # 716, Bodie Golla, City of Ely Fire variance to NAC 450B.384 and NAC 450B. Supraglottic airways can be difficult to maintain in the pre-hospital setting due to factors such as prolonged transport time and roadway conditions. Limited staffing in ambulances make it difficult to care for patients. Use of a ventilator would complement the use of intubation and could improve patient outcomes in the pre-hospital setting. DPBH requires the Applicant, for a period of one full permit cycle submit a report when intubation at the AEMT occurs. The report should include at a minimum; patient complaint, scene time, transport time, successful or unsuccessful intubation (number of attempts) and patient outcome if known.

PRESENTER

Bobbie Sullivan, Emergency Medical Systems Program Manager

ATTACHMENTS

Transport times

Steve Sisolak
Governor



Richard Whitley, MS
Director

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Ihsan Azzam,
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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, appearing to read "Lisa Sherych".

RE: Case #716, Mr. Bodie Golla, City of Ely Fire Department

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

Bodie Golla, on behalf of the City of Ely Fire Department (“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 Ely and surrounding communities can be in excess of 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 #716, Bodie Golla, City of Ely Fire 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, type of 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



City of Ely Fire Department

1780 Great Basin Blvd. Business Phone: (775) 289 6633
Ely, Nevada 89301 Fax: (775) 289 3122

The City of Ely Fire Department 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.
- Allowing Advanced Emergency Medical Technicians to perform Endotracheal Intubation, under a set of very strict guidelines, training requirements and authority of the Medical Director.
- Allowing Advanced Emergency Medical Technicians to operate a ventilator, 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.

The City of Ely Fire Department will show through this documentation as well as during the in person meeting the Fire Department has a set of unique circumstances and is burdened by a regulation.

A1- The City of Ely Fire Department provides Emergency Medical Services to the entire White Pine County that encompasses 8,897 square miles, serving 9,679 residents. White Pine County see's a large amount of traveling public. The City employs 1 Paramedic, 7 Advanced EMTs, 2- Volunteer Paramedics, 15 Volunteer Advanced EMTs, 10 EMTs and 5 Driver only' s. Driving distance can well exceed an hour from the Critical Access Hospital. The closest higher level of care to Ely is several hours in any direction: Las Vegas, Salt Lake City or Reno.

Ely and White Pine County are an extremely rural community that makes our medical care situation unique.



City of Ely Fire Department

1780 Great Basin Blvd.
Ely, Nevada 89301

Business Phone: (775) 289 6633
Fax: (775) 289 3122

A2 – Our variance request would not affect other persons subject to the regulation. Other rural communities have access to resources Ely and White Pine County do not have available.

A3 – The burden the regulation brings to the City of Ely, White Pine County and our patients is the lack of services we can provide our patients. The rural area makes hiring of Paramedics difficult and Advanced EMTs are limited from the change of scope from EMT Intermediate to Advanced EMT. The City and County doesn't have funding available to train new Paramedics due to the lengthy time constraints and finding staff willing to do so. Each Paramedic costs in excess of \$15,000-\$25,000.

B2 – The procedures listed later in this document will not pose a danger to public health and safety, it would actually do the opposite and provide better care to our patients.

STATEMENT OF DEGREE OF RISK OF HEALTH:

The City of Ely Fire Department responded to 1,319 calls for service in 2020. We respond to a large amount of vehicle crash calls often involving broken bones, without a Paramedic available to manage these patients pain, they in turn suffer during the transport to the hospital. A large majority of these crashed occur more than 30 minutes from a hospital. This is one example we chose to highlight, we have many more.

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

The hardship exists is the difficulty in recruiting Paramedics, training Paramedics at the City's cost and the extreme rural community.

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 with exceptional medical care in the pre hospital environment.

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

The variance would not impair the purpose of the regulation, to comply with the purpose the City would provide the appropriate Medical oversight and training before allowing our providers to act.

The City of Ely Fire Department has the following plan, if the Board of Health approves this variance:



City of Ely Fire Department

1780 Great Basin Blvd.
Ely, Nevada 89301

Business Phone: (775) 289 6633
Fax: (775) 289 3122

Fentanyl:

All eligible providers will receive 40 hours of training in pharmacology for the use of Fentanyl. Providers will have to show competency through testing and practical application before being allowed to use this provision. Providers will have a great understanding of the rules and regulations surrounding controlled substances. Training will be conducted by our Medical Director and Assistant Chief / EMS.

Endotracheal Intubation:

Prior to the latest National EMS Scope change EMT Intermediate's used to be able to perform ET Intubation. Once this happened, Ely was impacted greatly by losing this life-saving skill. If approved by the board, all eligible providers will receive 20 hours of training in Endotracheal Intubation. Initial roll-out of the use of Endotracheal Intubation will be reserved for only supervisors. Phase 2 will include all full-time staff and phase 3 will include volunteers that are willing to adhere to our strict training requirements on Endotracheal Intubation. In addition, non-Paramedics will be subject to strict use only when longer than 20 minutes away from the Emergency Department as indicated by the EMS Protocols. All authorized users shall either document a successful live placement or lab placement of the Endotracheal tube once per month to maintain proficiency.

Ventilator Operation:

Certified providers may only use the AutoVent 4000 when indicated during a transport over 20 minutes from an Emergency Department. All providers must attend and successfully pass the Vent Operator training program. The training program will include all aspects of use and the science behind the ventilator. All providers in the world lack a consistent use of a BVM (Bag Valve Mask), right rate, right volume, etc. In order to provide the most to our intubated patients we are seeking this variance to be paired with Endotracheal Intubation used only in very specific situations. All providers will attend ongoing regular training on the operation of the AutoVent 4000.

Finally, we would like to take this opportunity to thank the Board for your time and consideration of our requested variance. We want to stress this request hasn't been taken lightly and are in an extreme need of this variance until such time we can hire enough Paramedics to cover White Pine County.

Thank You,

Bodie Golla, NRP
Assistant Chief/EMS

Patrick Stork
Fire Chief

Dana Vitale, DO
Medical Director