

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 June 3rd, 2022 9:00 am to Adjournment

Pursuant to NRS 241.020(3)(a) as amended by Assembly Bill 253 of the 81st Legislative Session, this meeting will be convened using a remote technology system, and at physical locations. The meeting can be listened to via telephone or viewed live over the Internet.

Meeting Link:

<https://zoom.us/j/94244271039?pwd=V0s1UW5aKy9pdlVTNzIzR0xLODU4dz09>

Meeting ID: 942 4427 1039

Passcode: 479010

Please Note: If you experience technical difficulties connecting online, please call into the meeting to participate by phone.

Join By Phone:

+1-669-900-9128

Meeting ID: 942 4427 1039

Passcode: 479010

One Tap Mobile:

+12532158782,,94244271039#,,,,*479010# US (Tacoma)

+13462487799,,94244271039#,,,,*479010# US (Houston)

Physical Locations:

Southern Nevada Health District (SNHD)
Red Rock Trail Rooms A and B
280 S. Decatur Boulevard; Las Vegas, Nevada 89107

Nevada Division of Public and Behavioral Health (DPBH)
Hearing Room No. 303
4650 Technology Way Suite No. 300; Carson City, Nevada 89706

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

Limitations on Public Comment: The Board of Health will provide public comment periods in compliance with the requirements of the Open Meeting Law. As set forth below, the public will be provided with an opportunity to provide specific public comment for individual action items, at the time of the Board's consideration of the item. Comments provided during a specific agenda item must be limited to topics relating to that item. Further, the public will be provided with an opportunity to provide general public comment, prior to the adjournment of the meeting. Public testimony 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 StateBOH@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.**

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

Members: Dr. Jon Pennell, DVM (Chair); Dr. Jeffrey Murawsky, MD (Vice Chair); Dr. Monica Ponce, DDS; Mr. Charles Smith; Ms. Judith Bittner; Dr. Trudy Larson, MD

2) ACTION ITEM: Approval of meeting minutes from March 4th, 2022 – *Jon Pennell, Chair*

3) INFORMATIONAL ITEM: Quarterly County and Health District Reports

- a) Carson City Health and Human Services – Dr. Colleen Lyons, Health Officer and Nicki Aaker, Director, Carson City Health and Human Services
- b) Washoe County Health District - Kevin Dick, District Health Officer, Washoe County Health District
- c) Southern Nevada Health District – Dr. Fermin Leguen, MD, MPH, District Health Officer, Southern Nevada Health District
- d) State of Nevada – Dr. Ihsan Azzam, Chief Medical Officer, State of Nevada
- e) Dr. John Holman, Douglas County
- f) Dr. Tedd McDonald, Churchill County
- g) Dr. Bryce Putnam, Elko County
- h) Anthony Philips, Esmeralda County
- i) J.J. Goicoechea, Eureka County
- j) Dr. Charles Stringham, Humboldt County
- k) Dr. Troy Ross, Lander County
- l) Louise Buettner, Lincoln County
- m) Dr. Robin Titus, Lyon County
- n) Dr. Tedd McDonald, Mineral County
- o) Daniel Griffith, Nye County
- p) Tyson McBride, Pershing County
- q) Dr. James McLennan, Storey County
- r) Daren Kunz, White Pine County

4) ACTION ITEM: Consideration and Approval of Variance #732 regarding requirements of R046-20AP religious exemption to vaccine objections through form submission and written statement, and a request for the waiver of submission of form for vaccination exemption requested by Mr. Jeremy Mancuso – *Kyle Devine, Health Bureau Chief, Child, Family & Community Wellness, DPBH*

5) ACTION ITEM: Approval of the following Consent Agenda Items:

- a) Consideration and possible appointment of Rutu Ezhuthachan, Chief Medical Officer, Health Plan of Nevada Medicaid, as a Healthcare Provider Representative, and Reimund Sarifica, Associate Professor, UNLV School of Medicine; President, AAPI Nursing Association of Nevada as a Nonprofit Representative to the Nevada Office of Minority Health Equality (NOMHE) Advisory Committee pursuant to NRS 232.482 – Tina Dortch, Program Manager, NOMHE
- b) Discussion and Possible Approval of Variance #734 regarding requirements and precautions regarding safety from fire in NAC 449.211 & NAC 449.229 submitted by P. Theresa Brushfield, RFA Et al. – Steve Gerleman, Health Facilities Inspector III, Health Care Quality and Compliance (HCQC), DPBH
- c) Approval of Compliance Agreement pursuant to NAC Chapter 652, related to the provisions of NAC 652.397 at Canyon Pointe Dental Group (Laboratory License #11667) allowing licensed dental practices to collect and test human specimens by performing tests designated by the Food and Drug Administration (FDA) as a “waived laboratory tests” under the federal Clinical Laboratory Improvement Amendments (CLIA) regulations and additionally, to serve the need of the State of Nevada residents a dentist licensed in the State of Nevada be qualified to serve as the laboratory director. – Bradley Waples, Health Facilities Inspector III, Bureau of Health Care Quality and Compliance (HCQC), DPBH
- d) Approval of Compliance Agreement pursuant to NAC Chapter 652 related to the provisions of NAC 652.397 at Green Valley Smiles Dentistry (Laboratory License #11666) allowing licensed dental practices to collect and test human specimens by performing tests designated by the Food and Drug Administration (FDA) as a “waived laboratory tests” under the federal Clinical Laboratory Improvement Amendments (CLIA) regulations and additionally, to serve the need of the State of Nevada residents a dentist licensed in the State of Nevada be qualified to serve as the laboratory director. – Bradley Waples, Health Facilities Inspector III, Bureau of Health Care Quality and Compliance (HCQC), DPBH
- e) Approval of Compliance Agreement pursuant to NAC Chapter 652 related to the provisions of NAC 652.397 at Henderson Dental Group and Orthodontics (Laboratory License #11664) allowing licensed dental practices to collect and test human specimens by performing tests designated by the Food and Drug Administration (FDA) as a “waived laboratory tests” under the federal Clinical Laboratory Improvement Amendments (CLIA) regulations, and additionally, to serve the need of the State of Nevada residents a dentist licensed in the State of Nevada be qualified to serve as the laboratory director. – Bradley Waples, Health Facilities Inspector III, Bureau of Health Care Quality and Compliance (HCQC), DPBH
- f) Approval of Compliance Agreement pursuant to NAC Chapter 652 related to the provisions of NAC 652.397 at Mountain Dental Group (Laboratory License #11665) allowing licensed dental practices to collect and test human specimens by performing tests designated by the Food and Drug Administration (FDA) as a “waived laboratory tests” under the federal Clinical Laboratory Improvement Amendments (CLIA) regulations, and additionally, to serve the need of the State of Nevada residents a dentist licensed in the State of Nevada be qualified to serve as the laboratory director. – Bradley Waples, Health Facilities Inspector III, Bureau of Health Care Quality and Compliance (HCQC), DPBH
- g) Approval of Compliance Agreement pursuant to NAC Chapter 652 related to the provisions of NAC 652.397 at Sahara Modern Dentistry (Laboratory License #11662) allowing licensed dental practices to collect and test human specimens by performing tests designated by the Food and Drug Administration (FDA) as a “waived laboratory tests” under the federal Clinical Laboratory Improvement Amendments (CLIA) regulations, and additionally, to serve the need of the State of Nevada residents a dentist licensed in the State of Nevada be qualified to serve as the laboratory director. – Bradley Waples, Health Facilities Inspector III, Bureau of Health Care Quality and Compliance (HCQC), DPBH

-
- h) Approval of Compliance Agreement pursuant to NAC Chapter 652 related to the provisions of NAC 652.397 at Union Village Modern Dentistry (Laboratory License #11661) allowing licensed dental practices to collect and test human specimens by performing tests designated by the Food and Drug Administration (FDA) as a “waived laboratory tests” under the federal Clinical Laboratory Improvement Amendments (CLIA) regulations, and additionally, to serve the need of the State of Nevada residents a dentist licensed in the State of Nevada be qualified to serve as the laboratory director. – Bradley Waples, Health Facilities Inspector III, Bureau of Health Care Quality and Compliance (HCQC), DPBH
- i) Approval of Compliance Agreement pursuant to NAC Chapter 652 related to the provisions of NAC 652.397 at Diamond Dental Group and Orthodontics (Laboratory License #11663) allowing licensed dental practices to collect and test human specimens by performing tests designated by the Food and Drug Administration (FDA) as a “waived laboratory tests” under the federal Clinical Laboratory Improvement Amendments (CLIA) regulations and additionally, to serve the need of the State of Nevada residents a dentist licensed in the State of Nevada be qualified to serve as the laboratory director. – Bradley Waples, Health Facilities Inspector III, Bureau of Health Care Quality and Compliance (HCQC), DPBH
- j) Approval of Compliance Agreement pursuant to NAC 652.400 at Southern Hills Hospital & Medical Center Lab (Laboratory License #3945) and ER (Emergency Room) at the Lakes a Department of Southern Hills Hospital and Medical Group (Laboratory License #8851) and ER at Las Vegas Blvd a Department of Southern Hills Hospital and Medical Group (Laboratory License #11314) (Collectively Southern Hills Hospital Labs) regarding the limited number of general supervisors of a licensed laboratory in the State of Nevada and the need to provide essential oversight of a licensed laboratory. – Bradley Waples, Health Facilities Inspector III, Bureau of Health Care Quality and Compliance (HCQC), DPBH
- k) Approval of Compliance Agreement pursuant to NAC 652.400 at Mountainview Hospital Main Lab (Laboratory License #1501) and ER (Emergency Room) at Aliane a Department of Mountainview Hospital (Laboratory License #9853) and ER at Skye Canyon a Department of Mountainview Hospital (Laboratory License #11381) (Collectively Mountainview Hospital Labs) regarding the limited number of general supervisors of a licensed laboratory in the State of Nevada and the need to provide essential oversight of a licensed laboratory. – Bradley Waples, Health Facilities Inspector III, Bureau of Health Care Quality and Compliance (HCQC), DPBH
- l) Approval of Compliance Agreement pursuant to NAC 652.454 at Henderson Hospital Point of Care Testing (Laboratory License #8847 LIC) regarding Certified Nursing Assistants and students enrolled in an accredited school of professional nursing to be able to perform only glucose testing that has been categorized by the Food and Drug Administration (FDA) as a waved laboratory testing in their healthcare facility. – Bradley Waples, Health Facilities Inspector III, Bureau of Health Care Quality and Compliance (HCQC), DPBH
- 6) ACTION ITEM: Consideration and Possible Adoption of Proposed Regulation Amendments to Chapter 449 of Nevada Administrative Code (NAC) Regulations, related to the passage of Assembly Bill (AB) 287 (2021) which voids the obstetric center regulations codified as NAC 449.6113 to 449.61178 and requires the Board of Health to adopt separate regulations governing the licensing and operation of freestanding birthing centers that align with the standards established by the American Association of Birth Centers, the accrediting body of the Commission for the Accreditation of Birth Centers, or another nationally recognized organization for accrediting freestanding birthing centers. In addition, the regulations adopted by the Board of Health must allow for the provision of supervised training to providers of health care, as appropriate, at a freestanding birthing center. LCB File No. R062-21 – *Leticia Metherell, Health Program Manager III, Health Care Quality and Compliance (HCQC), DPBH*
- 7) ACTION ITEM: Consideration and Possible Adoption of Proposed Regulation Amendments to Chapter 441A of Nevada Administrative Code (NAC) Regulations, related to Senate Bill (SB) 211(2021) which establishes
-

requirements relating to testing for sexually transmitted diseases (STD) and human immunodeficiency virus (HIV). The proposed regulation will update and require certain emergency medical services providers in a hospital or primary care setting to inquire if their patients would like HIV or STD testing. Additionally, the proposed regulations require that a medical provider assists the patient in obtaining a test(s) where practical and medically indicated. LCB File No. R002-22. – *Preston Tang, HIV Prevention Coordinator & Data Analyst, Office of HIV, DPBH and Lyell Collins, HIV Prevention & Surveillance Program Manager, Office of HIV/AIDS, DPBH*

- 8) **ACTION ITEM:** Consideration and Possible Adoption of Proposed Regulations by the Southern Nevada Health District (SNHD) for Governing the Sanitation and Safety of Body Art Establishments. - *Chris Saxton, Director of Environmental Health, SNHD and Mark Berghold, Environmental Health Supervisor, SNHD and Karla Shoup, Environmental Health Manager, SNHD*
- 9) **INFORMATIONAL ITEM:** Update on Sentinel Events according to NRS 439.843 – *Jesse Wellman, Biostatistician, Office of Analytics*
- 10) **INFORMATIONAL ITEM:** Update to the State Board of Health on the State Environmental Commission. - *Mr. Charles Smith, State Board of Health Member*
- 11) **ACTION ITEM:** Recommendations for future agenda items. – *State Board of Health Members*
- 12) **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)
- 13) 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

On the Internet at:

- The Nevada Division of Public and Behavioral Health website: <https://dpbh.nv.gov/Boards/BOH/Meetings/2022/NVBOH2022/>
- Nevada Public Notice website: <https://notice.nv.gov>
- 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 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 775-684-5850 or emailing StateBOH@health.nv.gov .