

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

### NOTICE OF PUBLIC HEARING

JOHN CARLSON FOR THE CARSON CITY FIRE DEPARTMENT IS REQUESTING A VARIANCE, #737, FROM THE NEVADA STATE BOARD OF HEALTH REGULATIONS.

NOTICE IS HEREBY GIVEN that JOHN CARLSON FOR THE CARSON CITY FIRE DEPARTMENT has requested a variance from Nevada Administrative Code (NAC) 450B.720.

A public hearing will be conducted on September 2, 2022, at 9:00 am by the Nevada State Board of Health to consider this request. This meeting will be held online.

#### Meeting 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, 3<sup>rd</sup> Floor  
4150 Technology Way; Carson City, Nevada 89706

#### **Join from computer using the Microsoft Teams meeting link:**

[https://teams.microsoft.com/dl/launcher/launcher.html?url=%2F%20%23%2F%2Fmeetup-join%2F19%3Ameeting\\_YTBhMmY4MDMtNmIxNC00OWYyLThkZmQtZWYyZGI5ZGNhNDY1%40thread.v2%2F0%3Fcontent%3D%257b%2522%2522%253a%2522e4a340e6-b89e-4e68-8eaa-1544d2703980%2522%252c%2522%2522%253a%2522455656b7-d121-4709-ba81-3f70d51b1100%2522%257d%26CT%3D1654637019665%26OR%3DOutlook-Body%26CID%3D4FC8ECEB-8AF4-4BDC-8A9F-3F3C82BF1097%26anon%3Dtrue&type=meetup-join&deeplinkId=1c10f6a7-9d8d-4a46-8594-555f7e413aee&directDI=true&msLaunch=true&enableMobilePage=false&suppressPrompt=true](https://teams.microsoft.com/dl/launcher/launcher.html?url=%2F%20%23%2F%2Fmeetup-join%2F19%3Ameeting_YTBhMmY4MDMtNmIxNC00OWYyLThkZmQtZWYyZGI5ZGNhNDY1%40thread.v2%2F0%3Fcontent%3D%257b%2522%2522%253a%2522e4a340e6-b89e-4e68-8eaa-1544d2703980%2522%252c%2522%2522%253a%2522455656b7-d121-4709-ba81-3f70d51b1100%2522%257d%26CT%3D1654637019665%26OR%3DOutlook-Body%26CID%3D4FC8ECEB-8AF4-4BDC-8A9F-3F3C82BF1097%26anon%3Dtrue&type=meetup-join&deeplinkId=1c10f6a7-9d8d-4a46-8594-555f7e413aee&directDI=true&msLaunch=true&enableMobilePage=false&suppressPrompt=true)

#### **Join by Phone:**

1-775-321-6111  
Phone Conference ID Number: 655 825 021#

**JOHN CARLSON FOR THE CARSON CITY FIRE DEPARTMENT is requesting a variance from NAC 450B.720 which states:**

**NAC 450B.720 Programs of training: Application for approval; retention of documentation by provider; certification prerequisites to receive certain training.**

[\(NRS 450B.120, 450B.155, 450B.160, 450B.1905, 450B.191, 450B.195\)](#)

1. The Division shall, within the limits of its appropriated money, conduct or contract with other persons to conduct the programs of training necessary to bring each service, including a volunteer service, and each attendant into compliance with the requirements of this chapter for training.

2. Except as otherwise provided in subsection 5, a person proposing to conduct a program within this state for training for certification issued under this chapter must apply to the Division for approval at least 20 working days before the program is to begin. The Division shall not issue a certificate of completion of the program to any trainee unless the Division has approved the program. The person conducting the program shall not start the program until approval by the Division has been granted.

3. The Division shall not issue retroactive approval for a program which has been conducted without its approval.

4. Except as otherwise provided in subsection 5, curriculum and procedures for testing submitted as part of a request for approval of a program must not be changed after approval has been granted for the program except upon prior written approval from the Division. The proposed change or modification, with an alternative acceptable to the Division, must be submitted in writing to the Division not less than 15 working days before the effective date of the use of the changed or modified curriculum or test.

5. The provisions of subsections 2 and 4 do not apply to a program of continuing education offered by a training center.

6. Conferences, online courses and continuing education that are approved by the Commission on Accreditation for Pre-Hospital Continuing Education or the Division are deemed to qualify for use to satisfy the requirements of this chapter relating to training for the renewal of a license or certificate if the conference, online course or continuing education is appropriate to the license or certificate.

7. A person who conducts a program of training shall retain documentation of courses completed by students for at least 5 years after the date on which the course was completed.

8. A person must:

(a) Be certified as an emergency medical technician before receiving training for certification as an advanced emergency medical technician.

(b) Be certified as an advanced emergency medical technician before receiving training for certification as a paramedic.

(c) Maintain the certification described in paragraph (a) or (b), as applicable, until the completion of training for certification as an advanced emergency medical technician or paramedic, as applicable.

[Bd. of Health, Ambulance Reg. § 21.001, eff. 12-3-73; renumbered as § 23.1, 2-28-80]—(NAC A 10-14-82; 8-22-86; 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 (DPBH), 4150 TECHNOLOGY WAY, CARSON CITY, NV

DIVISION OF PUBLIC AND BEHAVIORAL HEALTH WEBSITE:

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

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: 5.27.2022

Name of Applicant: John Carlson EMT/FF - Carson City Fire Department Phone: 887-2210 (CCFD)

Mailing Address: 777 South Stewart St.

City: Carson City State: NV Zip: 89701

We do hereby apply for a variance to \_\_\_\_\_ of the Nevada  
chapter/section NAC 450B.720  
Administrative Code (NAC). (For example: NAC 449.204)

Title of section in question: Training - Programs of training

Statement of existing or proposed conditions in violation of the NAC:

Request that required training of Advanced EMT to receive training for certification as a paramedic be removed to allow training as an EMT to apply and receive training for paramedic. Due to national shortage of paramedics and Nevada is one of only few states with advanced EMT requirement to attend Paramedic school I make this request. Additionally, due to Nevada's requirement for Advanced EMT many candidates leave the state to attend Paramedic school.

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

**APPLICATION FOR VARIANCE**

Date of initial operation (if existing): NA

**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

Most states do not require advanced EMTs' to enter paramedic programs and there is no evidence that shows any increase in fail rates of paramedic programs. Therefore, there is no evidence of increased risk of health to the public. ~~some~~ Public health benefits from having more certified paramedics working in Nevada.

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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:

There are current national and local shortages of qualified and trained Paramedics working in Nevada, which shows the need to keep students in the state through ~~the~~ the certification and training process.

2. The variance, if granted, would not:
  - A. Cause substantial detriment to the public welfare.

There is no evidence of an increase in success rate in Paramedic Schools from EMT-Basic vs Advanced EMT.

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

None

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

- N/A 1. Legal description of property concerned \_\_\_\_\_
- N/A 2. General area identification map \_\_\_\_\_

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**APPLICATION FOR VARIANCE**

- N/A 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.

The next scheduled meeting in Carson City.

The next scheduled meeting in Las Vegas.

Signature: 

Printed Name: John T. Carlson

Title: Firefighter / EMT

Date: 5.27.2022

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](mailto:DPBH@health.nv.gov)



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Lisa Sherych  
Administrator

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

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## MEMORANDUM

**Date:** August 9, 2022  
**To:** Jon Pennell, DVM, Chairperson  
State Board of Health  
**From:** Lisa Sherych, Secretary  
State Board of Health  
**RE:** Case # 737, Mr. John Carlson, Carson City Fire Department

Nevada Administrative Code [\(NAC\) 450B.720 \(8\)](#) states:

8. A person must: (a) Be certified as an emergency medical technician before receiving training for certification as an advanced emergency medical technician. (b) Be certified as an advanced emergency medical technician before receiving training for certification as a paramedic. (c) Maintain the certification described in paragraph (a) or (b), as applicable, until the completion of training for certification as an advanced emergency medical technician or paramedic, as applicable.

### **STAFF REVIEW**

John Carlson with Carson City Fire Department ("Applicant") has submitted a request for variance from the requirements of NAC 450B.720(8)(b). Applicant is requesting approval to allow him as a certified Emergency Medical Technician (EMT) to enter into a paramedic program of training without first having to be certified as an Advanced Emergency Medical Technician (AEMT).

### **DEGREE OF RISK TO PUBLIC**

There is little to no risk to the public health in allowing the Applicant to train as a Paramedic without first having to be certified as an AEMT. Current industry standard allows for EMTs to receive training as a Paramedic.

### **EXCEPTIONAL AND UNDUE HARDSHIP**

In approximately 2015/2016, based on recommendation of the Emergency Medical Services Advisory Committee, the regulation was changed to require certification as an AEMT, a prerequisite to enter a paramedic course to allow the opportunity for the candidate to gain experience as an AEMT, before entering the paramedic training program.

### **PUBLIC COMMENT RECEIVED**

## **STAFF RECOMMENDATION**

Division of Public and Behavioral Health (DPBH) staff recommend the State Board of Health approve Case # 737, John Carlson, from Carson City Fire Department variance to NAC 450B.720(8)(b). Approving this request will align with the current proposal being done by the Emergency Medical Services office, through a regulatory change to remove the requirement from regulation, opening the opportunity for emergency medical services providers to enter the paramedic training without first having to apply for a variance to this regulation.

## **PRESENTER**

Bobbie Sullivan, Emergency Medical Systems Program Manager

## **ATTACHMENTS**