

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 BURTON FOR THE ROUND MOUNTAIN GOLD CORPORATION AMBULANCE SERVICE IS REQUESTING A VARIANCE, #738, FROM THE NEVADA STATE BOARD OF HEALTH REGULATIONS.

NOTICE IS HEREBY GIVEN that JOHN BURTON FOR THE ROUND MOUNTAIN GOLD CORPORATION AMBULANCE SERVICE has requested a variance from Nevada Administrative Code (NAC) 450B.384.

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\\_%23%2F%2Fmeetup-join%2F19%3Ameeting\\_YTBhMmY4MDMtNmIxNC00OWYyLThkZmQtZWY4ZGI5ZGNhNDY1%40thread.v2%2F0%3Fcontent%3D%257b%2522Tid%2522%253a%2522e4a340e6-b89e-4e68-8eaa-1544d2703980%2522%252c%2522Oid%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&directDl=true&msLaunch=true&enableMobilePage=false&suppressPrompt=true](https://teams.microsoft.com/dl/launcher/launcher.html?url=%2F_%23%2F%2Fmeetup-join%2F19%3Ameeting_YTBhMmY4MDMtNmIxNC00OWYyLThkZmQtZWY4ZGI5ZGNhNDY1%40thread.v2%2F0%3Fcontent%3D%257b%2522Tid%2522%253a%2522e4a340e6-b89e-4e68-8eaa-1544d2703980%2522%252c%2522Oid%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&directDl=true&msLaunch=true&enableMobilePage=false&suppressPrompt=true)

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

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

**JOHN BURTON FOR THE ROUND MOUNTAIN GOLD CORPORATION AMBULANCE SERVICE is requesting a variance from NAC 450B.384 which states:**

**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)

**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: 05/19/2022

Name of Applicant: John Burton/ RMGC Ambulance Service (13316) Phone: 775-343-6411

Mailing Address: P.O. Box 480

City: Round Mountain State: NV Zip: 89045

We do hereby apply for a variance to \_\_\_\_\_ of the Nevada  
chapter/section 450B.384  
Administrative Code (NAC). (For example: NAC 449.204)

Title of section in  
question: Practice beyond scope of certificate prohibited; exception.

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

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.

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): Prior to the year 2002.

**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

Due to the rural and isolated nature of our mine site, treatment of a cyanide exposure, as a by-product of a fire, or from sodium cyanide, the CyanoKit (hydroxocobalamin) is the gold standard and recommended treatment.

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**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 few recommended treatments that are available for a cyanide exposure that can be administered at the AEMT level. There is little to no definitive health care in the Round Mountain area, so the sooner we can administer this kit, the better the potential outcome for our patient. The nearest hospital is Banner-Churchill Hospital in Fallon, NV which is nearly 3 away by ground.

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

The CyanoKit has been allowed to be used in EMS agencies in Nevada for years. This is a medication that our crews do train on yearly and is only to be used in cyanide related events, such as during a house fire or exposure to sodium cyanide.

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

By maintaining the national standard that prevent Advanced EMTs from administering this treatment, we run the risk of delaying potentially life-saving treatment to a cyanide exposure victim.

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

- |               |  |   |
|---------------|--|---|
| <u>  X  </u>  | 1. Legal description of property concerned | <u>  Gold mine, industrial setting.</u> |
| <u>      </u> | 2. General area identification map         |   |
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NEVADA STATE BOARD OF HEALTH  
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**APPLICATION FOR VARIANCE**

- \_\_\_\_\_ 3. Plat map showing locations of all pertinent items and appurtenances
- \_\_\_\_\_ 4. Well log (if applicable)
- \_\_\_\_\_ 5. Applicable lab reports
- \_\_\_\_\_ 6. Applicable engineering or construction/remodeling information
- \_\_\_\_\_ 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 Health Division staff report and recommendation 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 as:

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: \_\_\_\_\_

*John Burton*

Printed Name: \_\_\_\_\_

John Burton

Title: \_\_\_\_\_

RMGC Ambulance Service Director

Date: \_\_\_\_\_

5/19/22

John Burton  
1 Smoky Valley Mine Road  
Round Mountain, NV 89045  
775-343-6411  
[John.Burton@kinross.com](mailto:John.Burton@kinross.com)

25 May, 2022

To Nevada Division of Public and Behavioral Health,

We are writing in concern to approving a variance to use hydroxocobalamin in injection form (Cyanokit). Our protocols previously approved the use of this medication, at AEMT level or higher, for cyanide exposure treatments. We would like to continue the use of hydroxocobalamin injections at AEMT level or higher. Our research determined the CDC stating the use of hydroxocobalamin is the preferred medication in use for a cyanide exposure.

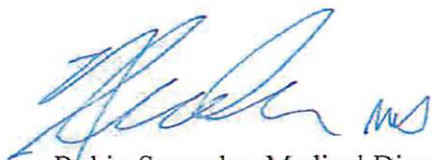
Our property does industrial work with sodium cyanide, with the potential for an employee to be exposed, and need emergency care. We also have our own fire service, where hydroxocobalamin could be used to treat our firemen, in the case of a structure fire, or chemical fire, resulting in cyanide exposure. We have had a past incident where we had to use our Cyanokit, and had great success in treating out patient with it.

We appreciate any help with this matter, and look forward to working with the Nevada Division of Public and Behavioral Health.

Respectfully,



John Burton, ERT Coordinator



Rubin Saavedra, Medical Director



Steve Sisolak  
Governor

Richard Whitley, MS  
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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 # 738, Mr. John Burton, Round Mountain Gold Corporation Ambulance Service

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**

John Burton, on behalf of Round Mountain Gold Corporation (RMGC) Ambulance Service (“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 the Applicant to administer hydroxocobalamin via intravenous route for treatment of known or suspected cyanide poisoning. Current national scope of practice recognized by the National Highway Traffic Safety Administration (NHTSA) only allows for AEMTs to treat known or suspected chemical/hazardous materials exposure by auto-injector.

### **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 treat known or suspected cyanide exposure with hydroxocobalamin. The Applicant has support of the agency Medical Director, and wishes to continue to train staff, who are mostly miners in the skill. The location of the mine is roughly 3 hours by ground transport to the nearest definitive care, and air medical evacuation could be just as long.

### **EXCEPTIONAL AND UNDUE HARDSHIP**

Transport times in rural communities such as Round Mountain and surrounding communities can be more than 3 hours by ground and medical air evacuation is not always an option. Limited crew staffing can make management of critical patients difficult. Strict enforcement of NAC 450B.384 would not allow for Applicant’s AEMTs to administer hydroxocobalamin and potentially saving the life of a known or suspected cyanide poisoning.



**PUBLIC COMMENT RECEIVED**

**STAFF RECOMMENDATION**

Division of Public and Behavioral Health (DPBH) staff recommend the State Board of Health approve Case # 738, John Burton, Round Mountain Gold Corporation Ambulance Service variance to NAC 450B.384 and NAC 450B. Cyanide exposure is a known potential risk at mining operations and the physical location of Round Mountain Gold presents extended time delays for advanced care in the event of a cyanide exposure. Time and effective pharmaceutical treatment could provide increased chance of successful treatment of cyanide exposure. DPBH requires the Applicant, for a period of one full permit cycle, to submit a report when hydroxocobalamin is administered. The report should include at a minimum; patient complaint, scene time, transport time, and patient outcome if known.

**PRESENTER**

Bobbie Sullivan, Emergency Medical Systems Program Manager

**ATTACHMENTS**