

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 INTENT TO ACT UPON A REGULATION**

Notice of Hearing for the Amendment of Regulations of the Board of Health  
Temporary Regulations to Nevada Administrative Code (NAC) Chapter 433

NOTICE IS HEREBY GIVEN that the State Board of Health will hold a public hearing to consider temporary regulations amending Chapter 433 of Nevada Administrative Code (NAC), Administration of Mental Health and Intellectual and Developmental Disability Programs. This public hearing is to be held in conjunction with the State Board of Health meeting on Friday, January 20, 2023.

The State Board of Health will be conducted via videoconference beginning at 9:00 am Friday, January 20, 2023, at the following locations at the following locations:

**Virtual Meeting Location:**

[https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_OTY1OWY2NzAtYTcxNy00MDg2LTlmY2QtNDcxNDRiZDI5Mjdl%40thread.v2/0?content=%7b%22id%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22oid%22%3a%22e2f9f008-841c-437d-b037-927c30ea003e%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_OTY1OWY2NzAtYTcxNy00MDg2LTlmY2QtNDcxNDRiZDI5Mjdl%40thread.v2/0?content=%7b%22id%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22oid%22%3a%22e2f9f008-841c-437d-b037-927c30ea003e%22%7d)

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

**Join By Phone:**

+1 (775) 321-6111

Phone Conference ID: 498 364 0#

Find local number: <https://dialin.teams.microsoft.com/1ef7fc5c-3859-4a06-ba30-c622c05e60f9?id=4983640>

The proposed changes, through temporary regulation, to NAC 433 include the following:

SB 390 (2021) directs the State Board of Health (BOH) to adopt regulations imposing a surcharge on telecommunications access lines with the proceeds deposited in the Crisis Response Account in the state General Fund to fund the implementation of the 988 National Suicide Prevention Lifeline, support centers and mobile crisis teams for persons considering suicide or experiencing behavioral health crisis. This temporary regulation adds new language to Chapter 433 of the NAC in accordance with SB 390, which will further be adopted through permanent regulation.

1. Anticipated effects on the business which NAC Chapter 433 regulates:

- A. *Adverse effects*: This regulation would impose costs on telecommunications providers to set up their billing systems to impose the surcharge required by this regulation. To minimize these effects, the effective date of the regulation is delayed by 90 days after it becomes law to allow telecommunications providers sufficient time to adapt their systems to most efficiently accommodate this cost. Additionally, sub regulatory guidance has been developed to aid telecommunications providers in transferring collected surcharge amounts.
- B. *Beneficial*: No benefit to business identified.
- C. *Immediate*: No immediate benefit to business identified.
- D. *Long-term*: No long-term beneficial effects to business identified.

2. Anticipated effects on the public:

- A. *Adverse*: No adverse/negative public effects identified.
- B. *Beneficial*: This regulation will benefit the public by potentially preventing suicides by Nevadans experiencing behavioral health crisis and providing resources to stabilize them and prevent future crisis incidents and referral to behavioral health care resources. Additionally, it would benefit Nevada local governments and public safety agencies by diverting calls from Nevadans in behavioral health crisis that might otherwise be made to 911 and reduce utilization of public safety first responders and hospital emergency departments by Nevadans experiencing behavioral health crisis. Diverting calls that might otherwise be made to 911 to 988 also mitigates potentially dangerous encounters between law enforcement officers and those undergoing behavioral health crisis.
- C. *Immediate*: When the regulation becomes effective, it will generate revenues for the Crisis Response Account in the state General Fund to support the Division of Public and Behavioral Health's 988 call center, crisis stabilization centers and mobile crisis response teams.
- D. *Long-term*: Over the long term, the behavioral health crisis services supported by the Crisis Response Account could potentially reduce Nevada's relatively high suicide rate compared to other states. Additionally, there are potential future cost savings from reduced utilization of public safety first responders and hospital emergency departments by Nevadans experiencing behavioral health crisis.

3. The Division of Public and Behavioral Health in consultation with the Attorney General's Office and community stakeholders determined that there are no small businesses in the State of Nevada meeting the standard set in NRS 233B that would be affected by this regulation. The prescribed Small Business Impact Questionnaire was sent to 429 small businesses along with a copy of the proposed regulation changes, on February 28, 2022.

4. The estimated initial cost to the Division of Public and Behavioral Health for enforcement of the proposed regulations is minor and absorbable by existing Division resources for review of annual reports by telecommunications providers and related data reporting required by federal law. Future enforcement costs could be incurred under a provision of the regulation that would require telecommunications providers to annually report to the Division the average number of lines in service per month subject to the surcharge if review of actual and projected revenues indicates potential non-compliance by telecommunications providers.

5. The proposed regulations do not overlap or duplicate any other Nevada state or federal regulations.

Members of the public may make oral comments at this meeting. Persons wishing to submit written testimony or documentary evidence in excess of two typed, 8-1/2" x 11" pages must submit the material to the Board's Secretary, Lisa Sherych, to be received no later than Friday, January 13, 2023 at the following address:

Secretary, State Board of Health  
Division of Public and Behavioral Health  
4150 Technology Way, Suite 300  
Carson City, NV 89706  
[stateBOH@health.nv.gov](mailto:stateBOH@health.nv.gov)

Written comments, testimony, or documentary evidence in excess of two typed pages will not be accepted at the time of the hearing. The purpose of this requirement is to allow Board members adequate time to review the documents.

A copy of the notice and proposed regulations are on file for inspection and/or may be copied at the following locations during normal business hours:

1. Division of Public and Behavioral Health, 4150 Technology Way, First Floor Lobby, Carson City
2. Division of Public and Behavioral Health, Bureau of Behavioral Health Wellness and Prevention, 4126 Technology Way, Carson City
3. Nevada State Library and Archives, 100 Stewart Street, Carson City

A copy of the regulations and small business impact statement can be found on-line by going to:  
<https://dpbh.nv.gov/Programs/ClinicalSAPTA/Home> - [SAPTA/](#)

A copy of the public hearing notice can also be found at Nevada Legislature's web page:  
<https://www.leg.state.nv.us/App/Notice/A/>

Copies may be obtained in person, by mail, or by calling the Division of Public and Behavioral Health at 775-684-4200.

Copies may also be obtained from the Nevada State Library at the address listed below:

Nevada State Library & Archives  
100 N. Stewart Street  
Carson City, NV 89701

Per NRS 233B.064(2), upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

**PROPOSED TEMPORARY REGULATION OF THE STATE BOARD OF HEALTH**  
**Amendments to Nevada Administrative Code (NAC) Chapter 433**  
**Relating to the 988 National Suicide Prevention Lifeline**

Explanation – Language in *blue italics* is new.

AUTHORITY: NRS 433.708, NRS 439.150

**Section 1.** Chapter 433 of the NAC is hereby amended by adding thereto the provisions set forth as sections 1 to 6, inclusive, of this regulation.

**Section 2.** *Definitions.*

1. *“Telecommunication provider” or “telephone company” defined. “Telecommunication provider” or “telephone company” has the same meaning as ascribed to it in NRS 704.027.*
2. *“Telecommunication service” defined. “Telecommunication service” has the same meaning as ascribed to it in NRS 704.028.*
3. *“Access line” defined. “Access line” has the same meaning as ascribed to it in NRS 704.006(2).*
4. *“Trunk line” defined. “Trunk line” has the same meaning as ascribed to it in NRS 704.008.*
5. *“Commercial mobile communication services” defined. “Commercial mobile communication services” means an interconnected voice calling service available to the public, or to such classes of eligible users as to be effectively available to a substantial portion of the public as defined at 47 CFR § 20.3(a) and (b).*
6. *“Voice calling service” defined. “Voice calling service” means voice service capable of dialing the digits 9-8-8 to access the National Suicide Prevention Lifeline, provided to each customer of that service whose place of primary use is in Nevada. (a) “Place of primary use” means the street address representative of where the customer’s use of the mobile telecommunications service primarily occurs as defined by 4 U.S. Code § 124(8) which must be: (1) The residential street address or the primary business street address of the customer; and (2) Within the licensed service area of the home service provider.*
7. *“IP-enabled voice services” defined. “IP-enabled voice services” has the same meaning as ascribed to it in NRS 704.685(3)(b).*

**Section 3.** *To sufficiently support the uses set forth in Section 5(2) of Senate Bill 390 (2021) and produce the revenue projected in the budget for the Division approved by the Legislature, a surcharge of 35 cents is imposed on the following, per month:*

1. *Each access line providing of stand-alone telephone service furnished to a residential customer;*
2. *Each access line of each customer of a company that provides commercial mobile communication services;*
3. *Each access line providing IP-enabled voice services; and*

#### *4. Trunk lines.*

**Section 4.** *The companies and providers shall collect the surcharge as described in Section 3 each month from their customers and remit the money collected to the Crisis Response Account within the Division of Public and Behavioral Health or its designated agent in accordance with Funds Transfer Instructions for Telecommunications Providers and subsequent sub regulatory guidance.*

**Section 5.** *Within 90 days of the effective date of this regulation, telecommunications providers identified in Sec. 1.1 shall report to the Board of Health or its designated agent the average number of lines in service per month in each of the categories identified in Section 3 in the previous calendar year and annually each April 1st thereafter. This information shall be regarded as proprietary information regarding trade secret and subject to the provisions of NRS 333.333.*

**Section 6.** *The surcharge described in Section 3 shall be imposed 90 days after this regulation becomes law.*

**PROPOSED TEMPORARY REGULATION OF THE STATE BOARD OF HEALTH**  
**Amendments to Nevada Administrative Code (NAC) Chapter 433**  
**Relating to the 988 National Suicide Prevention Lifeline**  
*Errata to First Draft*

Explanation – Language in *blue italics* is proposed regulatory language; ~~[omitted material]~~ is material to be omitted from the proposed regulations; *green bold italic* is new proposed regulatory language.

AUTHORITY: NRS 433.708, NRS 439.150

**Section 1.** Chapter 433 of the NAC is hereby amended by adding thereto the provisions set forth as sections 1 to 6, inclusive, of this regulation.

**Section 2.** *Definitions. The below definitions shall apply only for the purposes as set established by NRS 433.708.*

1. *“Telecommunication provider” or “telephone company” defined. “Telecommunication provider” or “telephone company” has the same meaning as ascribed to it in NRS 704.027.*
2. *“Telecommunication service” defined. “Telecommunication service” has the same meaning as ascribed to it in NRS 704.028.*
3. *“Access line” defined. “Access line” has the same meaning as ascribed to it in NRS 704.006(2).*
4. *“Trunk line” defined. “Trunk line” has the same meaning as ascribed to it in NRS 704.008.*
5. *“Commercial mobile communication services” defined. “Commercial mobile communication services” ~~[means an interconnected voice calling service available to the public, or to such classes of eligible users as to be effectively available to a substantial portion of the public as defined at 47 CFR § 20.3(a) and (b)]~~ has the same meaning as ascribed to it as 47 U.S. Code 332(d).*
6. *“Voice calling service” defined. “Voice calling service” means voice service capable of dialing the digits 9-8-8 to access the National Suicide Prevention Lifeline, provided to each customer of that service whose place of primary use is in Nevada. (a) “Place of primary use” means the street address representative of where the customer’s use of the mobile telecommunications service primarily occurs as defined by 4 U.S. Code § 124(8) which must be: (1) The residential street address or the primary business street address of the customer; and (2) Within the licensed service area of the home service provider.*
7. *“IP-enabled voice services” defined. “IP-enabled voice services” has the same meaning as ascribed to it in NRS 704.685(3)(b).*

**Section 3.** *To sufficiently support the uses set forth ~~[in Section 5(2) of Senate Bill 390 (2021)]~~ at NRS 433.708 and produce the revenue projected in the budget for the Division approved by the Legislature, a surcharge of 35 cents is imposed on the following, per month:*

1. *Each access line providing of stand-alone telephone service furnished to a residential customer;*

*2. Each access line of each customer of a company that provides commercial mobile communication services;*

*3. Each access line providing IP-enabled voice services; and*

*4. Trunk lines.*

**Section 4.** *The companies and providers shall collect the surcharge as described in Section 3 each month from their customers and remit the money collected to the Crisis Response Account within the Division of Public and Behavioral Health or its designated agent in accordance with Funds Transfer Instructions for Telecommunications Providers and subsequent sub regulatory guidance.*

**Section 5.** *Within 90 days of the effective date of this regulation, ~~[telecommunications providers identified in Sec. 1.1]~~ all providers of telecommunications services identified in Sec. 1 shall report to the Board of Health or its designated agent the average number of lines in service per month in each of the categories identified in Section 3 in the previous calendar year and annually each April 1st thereafter. This information shall be regarded as proprietary information regarding trade secret and subject to the provisions of NRS 333.333.*

**Section 6.** *The surcharge described in Section 3 shall be imposed 90 days after this regulation becomes law.*