

Joe Lombardo
Governor



Richard Whitley,
MS
Director

**DEPARTMENT OF
HEALTH AND HUMAN SERVICES**

 **NEVADA DIVISION of PUBLIC
and BEHAVIORAL HEALTH**



Cody Phinney,
MPH
Administrator

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

DRAFT MEETING MINUTES
STATE BOARD OF HEALTH
September 1st, 2023
9:00 am

MEETING LOCATIONS:

This meeting was held in two physical locations as well as virtually via Microsoft Teams and by phone.

Physical 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, 3rd Floor
4150 Technology Way; Carson City, Nevada 89706

Online Meetings Link:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_N2E0OWNkNzUtNGU2NC00NjJlLk0NTEtODRmZDIyZjFhNjRl%40thread.v2/0?context=%7b%22id%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22oid%22%3a%22faba961c-6d7e-488b-8c7c-60c19eff2cbd%22%7d

Phone Number:

+1-775-321-6111

Phone Conference ID Number: 196 838 95#

1. CALL TO ORDER/ROLL CALL

Dr. Jon Pennell, Chair, called the meeting to order at 9:04 a.m. Dr. Pennell asked Dr. Trudy Larson, who was present in person at the Northern Nevada location, to conduct the remainder of the meeting on his behalf.

BOARD MEMBERS PRESENT:

Dr. Jon Pennell, DVM, Chair (Online)

Dr. Jeffery Murawsky, M.D. (Online)
Dr. Trudy Larson, M.D. (In Person – Northern Nevada)
Charles Smith (Online)
Dr. Monica Ponce, DDS (Phone)

DIVISION OF PUBLIC AND BEHAVIORAL HEALTH (DPBH) STAFF PRESENT:

Kelli Knutzon, Executive Assistant, Division of Public and Behavioral Health (DPBH); Sherry Stevens, Administrative Assistant III, DPBH; Cody Phinney, Administration, DPBH; Kayla Villegas, Administration Assistant III, DPBH; Leticia Metherell, Health Program Manager III, DPBH; Teresa Hayes, Health Program Manager III, DPBH; Nathan Orme, Public Information Officer, DPBH; Michael Kupper, Health Facility Inspector II, HCQC, DPBH; Tory Johnson, HIV/AIDS Program Manager, DPBH; Lyell Collins, Health Program Specialist II, DPBH; Vickie Ives, Health Bureau Chief, DPBH; Preston Tang, Health Program Specialist II, DPBH; Ihsan Azzam, M.D., Chief Medical Officer, DPBH; Steven Gerleman, Health Facility Inspector III, HCQC, DPBH; Paul Shubert, Bureau Chief, HCQC, DPBH; Tina Dortch, Program Manager, Office of Minority Health Equity, DHHS; Aundrea Ogushi, Health Program Officer I, DPBH; Brooke Maylath, Health Facility Instructor, DPBH; Marilynn Jeanne Hesterlee, Health Facility Inspection Manager, DPBH; Joseph Filippi, Management Analyst II, DHHS; Kevin Haywood, EMS, DPBH; Michael Kupper, Health Facility Inspector III, DPBH; Tami Conn, Health Program Manager II, DPBH; Bill Gorman, Administrative Assistant III, DPBH; Yvette Chapman, Radiation Control Supervisor, DPBH; Daren Ackermann, Radiation Control Specialist III, DPBH

OTHERS PRESENT:

Dr. Troy Ross; Donna Laffery; Pierron Tackes, DAG; Kevin Dick, Washoe County Health District Officer; Andria Cordovez Mulet, Southern Nevada Health District; Jennifer Howell, Washoe County; Dr. Fermin Leguen, Southern Nevada Health Officer; Fidel Cortes Serna, Southern Nevada Health District; Connie Lucido, Washoe County; Jimmy Lau; Samantha Morales, Southern Nevada Health District; Linda Anderson; Mary Duff; Steve Messinger; Lawrence McNallen; Nicki Aaker, Carson City Health and Human Services;

Roll call was taken, member attendance reflected above. The Board of Health had a quorum.

2. Review and Approval of meeting minutes from June 2, 2023

Dr. Larson asked if there were any additions or corrections to the June 2, 2023, meeting minutes. Vice Chair Dr. Murawsky stated that his name was spelled incorrectly on page 10 of the draft minutes. Administrative support acknowledged the needed correction.

DR. LARSON REQUESTED A MOTION FOR THE APPROVAL OF THE JUNE 2ND, 2023, BOARD OF HEALTH MEETING MINUTES AS WRITTEN WITH THE REQUESTED CORRECTION. DR. PONCE MADE A MOTION TO APPROVE THE MINUTES WITH CORRECTION. MOTION WAS SECONDED BY VICE CHAIR MURAWSKY. THE MOTION PASSED UNANIMOUSLY.

3. Quarterly County and District Health Reports

Carson City Health District

Nicki Aaker, Director of Carson City Health and Human Services, gave an overview presentation of their quarterly report. Ms. Aaker highlighted some of the requests that were made by their Board of Health. Ms. Aaker stated they have been trying to recruit a public health preparedness division manager and believe they may be in the final stage of having a second interview for the

position. Ms. Aaker said they have filled a deputy director and may have filled the part time community health worker position. Ms. Aaker stated that they are grateful for the public health non-categorical funding passed this legislative session. Ms. Aaker stated that some of their needs are in their community health needs assessments. Ms. Aaker spoke about their tobacco control and prevention funding. Ms. Aaker stated that youth vaping is still an epidemic, but the youth vaping money did not pass in the legislature. Ms. Aaker said they have created some campaigns and social media through tobacco funding and will continue to get the word out to youths and families. Ms. Aaker updated the Board on their immunization outreach as well as inspections within their environmental health plans. Ms. Aaker reported they completed three mosquito abatement treatments to eliminate the pests and hopefully some of the disease that comes with them. Ms. Aaker thanked Northern Nevada Health District (formerly Washoe County Health District, for mentioning Carson City's Food and Drug Association with retail standardization. Ms. Aaker reported that COVID cases are increasing, and they are reminding the public that it is respiratory season and to take precautions. Ms. Aaker concluded by saying the Carson City Board of Health approved the Carson City Housing Plan and they are preparing to contract with St. Outreach to assist the homeless by providing resources and possibly get them into emergency shelter. Ms. Aaker concluded with an update on school vaccinations.

Northern Nevada Public Health (Formerly Washoe County Health District) Health Officer Kevin Dick began by telling the Board they have launched their new branding and are now Northern Nevada Public Health. Mr. Dick reported they have a new website nnpb.org. Mr. Dick said the new branding allows the cities and county provide better clarity to the community that health district is separate from Washoe County. Mr. Dick stated the county has raised wages and some positions that had topped out are now seeing increases. Mr. Dick said they have had to move some grant funded staff and more of their time to local finding. Mr. Dick said they are tracking the costs but probably won't know the extent of the salary increases for a couple of months. Mr. Dick continued by reporting on their back-to-school vaccination in addition to collaborations with Community Health Alliance in August. Mr. Dick said they are planning for a couple of flu pods in October. Mr. Dick reported on their mosquito abatement efforts and that there are no reports of positive result to disease tests. Mr. Dick reported on the rib cook off and the food safety as well environmental health issues. Mr. Dick concluded by stating they are still actively trying to reach underserved populations to get them vaccinations including COVID which they have grant funding for.

Southern Nevada Health District

Dr. Fermin Leguen, Health officer for Southern Nevada Health District, provided an overview of his written report beginning with heat related sickness due to extreme heat and there have been 21 heat associated deaths in Southern Nevada. Dr. Leguen stated there are multiple cooling and hydration stations throughout Clark County. Dr. Leguen reported Clark County celebrated National Health Center Week. Dr. Leguen stated that Southern Nevada Health District is a federally qualified health center for which they receive their award in October of 2019. Dr. Leguen said in September they have opened another facility on Freemont Street and are providing satellite services at a local church. Dr. Leguen reported that the health district estimates they have saved about 2.5 million dollars for their patients who are mostly uninsured. Dr. Leguen said this year's back-to-school immunizations were successful in providing more children immunizations than any other year. Dr. Leguen also reported that they partnered with multiple community organizations to provide free HIV testing and information about pre and post exposure prophylaxis for HIV that are available at two Walgreen locations. Dr. Leguen added that Southern Nevada Health District will be hosting the Big Cities Health Coalition that

includes more than 30 large metropolitan cities in the country. Dr. Leguen said the organization receives full support from the CDC and allows them to access resources from the CDC and other federal agencies. Dr. Leguen concluded by thanking the State and Legislature for the approval of Senate Bill (SB) 118 and stated that the Bill would not take Nevada out of the bottom rank for public funding for public health, but it will help to address some the health district's needs.

Central Nevada Health District

Caleb Cage, interim administrator for Central Nevada Health District (CNHD), presented on behalf of Dr. McDonald. Mr. Cage stated the health district continues to grow and has now been in operation for two months. Mr. Cage began by thanking the Governor's Office, Board of Health, and Department of Health and Human Services for all the support and assistance they have received. Mr. Cage also thanked the health authority and health district partners because with their assistance they have been able to advocate for the non-categorical funds made available through Legislature. Mr. Cages said they are working within the community and have had four back to school or community days for vaccinations which are now being transitioned into flu pods. Mr. Cage reported that they are working on community events and that Churchill County shadowed the Public and Behavioral Health team at Burning Man. Mr. Cage stated they are working on hiring essential staff and the CNHD Board will be holding a meeting in September to decide on a permanent administrator. Mr. Cage stated they were successful in receiving a grant which is both a financial and cohort grant to help CNHD and other rural health districts develop administrative and public health preparedness plans. Mr. Cage stated they are continuing to work on funding and that they have received their Clinical Laboratory Improvement Amendments (CLIA) certification. Mr. Cage concluded his report by stating that they have not received any positive reports regarding Nile and Equine Encephalitis.

There were no further verbal health office reports.

4. ACTION ITEM: Approval of the Following Consent Agenda Item

- a. Discussion and Possible Approval of Compliance Agreement for Valley Hospital Medical Center, relating to Nevada Administrative Code (NAC) 449.312(1) and 439.280(3) for the Temporary Remote Emergency Department Located on the Desert Springs Hospital Campus.
- b. Discussion and Possible Approval of Accreditation Commission for Health Care, Inc. (ACHC) to be an Approved Accreditor for Out-Patient and Office-Based Surgery Facilities pursuant to Nevada Revised Statutes (NRS) 232.482.
- c. Discussion and Possible Approval of Candidate Appointment of Dr. Rozanne Bentt to the Nevada Office of Minority Health and Equity (NOMHE) Advisory Committee, pursuant to NRS 232.482.
- d. Discussion and Possible Approval of Candidate Appointment of Margarita Salas Crespo to the NOMHE Advisory Committee, pursuant to NRS 232.482.
- e. Discussion and Possible Approval of Candidate Appointment of Dr. Mario Gaspar de Alba to the Maternal and Child Health Advisory Board, pursuant to NRS 442.133.
- f. Discussion and Possible Approval of Candidate Appointment of Elika Nematian, MPH, to the Maternal and Child Health Advisory Board, pursuant to NRS 442.133.
- g. Discussion and Possible Approval of Candidate Appointment of Dr. Roshanda Clemons to the Maternal and Child Health Advisory Board, pursuant to NRS 442.133.
- h. Discussion and Possible Approval of the Reappointment of Dr. Keith Brill to the Maternal and Child Health Advisory Board, pursuant to NRS 442.133.

- i. Discussion and Possible Approval of the Reappointment of Fatima Taylor to the Maternal and Child Health Advisory Board, pursuant to NRS 442.133.
- j. Discussion and Possible Approval of the Reappointment of Dr. Melinda Hoskins to the Maternal and Child Health Advisory Board, pursuant to NRS 442.
- k. Discussion and Possible Approval of the Reappointment of Dr. Marsha Kirgan to the Maternal and Child Health Advisory Board, pursuant to NRS 442.
- l. Discussion and Possible Approval of Variance #748 regarding NAC 459.556 (1)(d), requirements for Administrative Controls: Minimum exposure techniques of x-ray machines, submitted by UMC Orthopedic and Spine Institute, Becky Christensen.
- m. Discussion and Possible Approval of Variance #749 regarding NAC 459.556 (1)(d) and 459.556(2), requirements for Administrative Controls: Minimum exposure techniques of x-ray machines, submitted by UMC Express Care, Becky Christensen.
- n. Discussion and Possible Approval of Variance #750 regarding NAC 449.3154(7) specifically regarding Facility Guidelines Institute (2018 Edition, Section 2.5.2.2.6), psychiatric hospital requirements regarding toilet rooms, submitted by Lakes Crossing Center
- o. Discussion and Possible Approval of Variance #752 regarding NAC 444.790(1) regarding lot size, submitted by Mason 1, LLC.

No items were pulled for discussion.

DR. LARSON REQUESTED A MOTION FOR THE APPROVAL OF THE CONSENT AGENDA ITEMS A. THROUGH O. DR. PENNELL MADE A MOTION TO APPROVE THE CONSENT AGENDA. THE MOTION WAS SECONDED BY MR. SMITH. THE MOTION PASSED UNANIMOUSLY.

5. ACTION ITEM: Discussion and Possible Approval of Variance #751 for Vegas Stronger regarding NAC 449.013(i) regarding Facilities for Treatment with Narcotics, Medical Unit, submitted by Vegas Stronger

Ms. Marilyn Jeanne Hesterlee, Facilities Inspector Manager with Health Care Quality and Compliance (HCQC) presented the variance to the Board with a recommendation to deny the variance submitted by Vegas Stronger. Ms. Hesterlee reported that Vegas Stronger was requesting a variance from paying an additional fee to reapply for the facility license due to being a non-profit organization and funding was difficult. Ms. Hesterlee stated they had been in contact with Vegas Stronger on this issue since December 20, 2021, and spoke to multiple staff members. Ms. Hesterlee said the organization asked for multiple appeal hearings and July 6th, 2023, the organization withdrew the appeal thus the denial of the application became effective. Ms. Hesterlee said HCQC was then notified Vegas Stronger submitted a variance application on July 11, 2023. Ms. Hesterlee concluded by stating that staff reviewed the application and determined that several criteria for granting a variance were not met and requested denial.

Dr. Larson asked for questions or comments from the Board.

Dr. Murawsky asked for some clarification and wanted to know if there was any specific information or specific financial hardship other than just being a nonprofit organization.

Ms. Marilyn Jeanne Hesterlee responded for the record that no information was provided by Vegas Stronger staff or owner Mr. Marlon indicating any other reason other than being a nonprofit organization.

Dr. Larson opened the floor for public comment. No public comments were heard.

DR. LARSON REQUESTED A MOTION ON VARIANCE #751 FOR VEGAS STRONGER. DR. MORAWSKY MADE A MOTION TO DENY VARIANCE #751. THE MOTION WAS SECONDED BY DR. PENNELL. THE MOTION TO DENY THE VARIANCE PASSED UNANIMOUSLY.

6. ACTION ITEM: Consideration and Possible Adoption of Proposed Regulation Amendments set forth in LCB File No. R002-22, amending the Nevada Administrative Code (NAC) Chapter 441A are required in accordance with Senate Bill (SB) 211 of the 2021 Legislative Session and Nevada Revised Statutes (NRS) Chapter 441A. The changes in legislation establish requirements relating to testing for sexually transmitted diseases (STD) and human immunodeficiency virus (HIV). The proposed regulations will update NAC Chapter 441A in accordance with the requirements set forth in SB 211 as current regulations do not outline the requirement to consult with patients about whether they wish to be tested for HIV or STDs.

Mr. Preston Tang presented on LCB File No. R002-22. Mr. Tang stated that LCB File No. R002-22 relates to the passage of Senate Bill (SB) 211 signed by Governor Steve Sisolak in June of 2021. Mr. Tang said the bill established requirements related to testing for sexually transmitted diseases (STD) and Human Immunodeficiency Virus (HIV). Mr. Tang explained that current regulations do not outline the requirements for physicians to offer patients HIV and/or ST at time of medical visits. Mr. Tang stated that the proposed regulation will update the Administrative Code to be congruent with the bill language. Mr. Tang said the development of the rates was based on the concerns raised by the Board of Health by Doctor Murawsky at the June 2022 meeting. Mr. Tang said he consulted with Dr. Murawsky, Senator Dallas Harris, Deputy Attorney General Pierron Tackes, and local health departments and language was changed to address the concern. Mr. Tang said the language was updated to include the United States Preventative Service Task Force guidelines into the errata of R002-22, as most public and private insurance plans are required to cover preventive services that receives a grade A or B recommendation from the task force without a copay during various opportunities for public workshops. Mr. Tang stated there have been positive responses from participants and no negative response to the proposed regulation. Mr. Tang said the proposed regulations will not add any cost to current regulatory enforcement. Mr. Tang closed his presentation by stating that the regulation would destigmatize HIV and STD, increase opportunities for testing, provide early diagnosis for HIV and STDs, reduce the cost of medical care and treatment of late diagnosis, and will provide the State with additional data to identify gaps in testing services as well as the number of people testing.

Dr. Larson asked for comments or questions from the Board. None were heard.

Dr. Larson opened the floor to public comment.

Jennifer Howell with the Governor's Task Force for HIV provided public comment in support of the proposed regulation stating that the Task Force supported the Bill as well. Ms. Howell requested the support of the Board in adopting the regulation.

Victoria Young with Pacific AIDS Education and Training Center provided public comment in support of the proposed regulation. Ms. Young stated that Nevada has the highest rate of HIV in the Western United States and there are Nevadians being diagnosed with AIDs which means the individual has had HIV for more than ten years and were not diagnosed. Ms. Young asked the Board to consider the missed opportunities for testing when considering their vote.

No further comments received.

DR. LARSON REQUESTED A MOTION ON **LCB FILE NO. R002-22 AMENDING THE NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 441A**. DR. MORAWSKY MADE A MOTION TO ADOPT THE PROPOSED REGULATION R002-22. THE MOTION WAS SECONDED BY DR. PENNELL. THE MOTION TO ADOPT THE PROPOSED REGULATION PASSED UNANIMOUSLY.

Dr. Larson called for a ten-minute break at 9:59 a.m.

Dr. Larson resumed the meeting at 10:09 a.m. and requested a roll call.

Sherry Stevens, Administrative Assistant III, called roll. No changes to membership attendance. There was quorum and the meeting continued.

7. ACTION ITEM: Consideration and Possible Adoption of Proposed Regulation Amendments to Chapter 439 of the Nevada Administrative Code (NAC), set forth in LCB File No. R035-22. This regulation falls in accordance with Senate Bill 114 introduced during the 81st Legislative Session which prescribes requirements concerning the testing and labeling of certain commodities or products containing hemp or cannabidiol that are intended for human consumption in this State; specifying when such a commodity or product is deemed to be adulterated; providing for the submission and investigation of complaints concerning such products; and providing other matters properly relating thereto.

Teresa Hayes, Environmental Health Program Manager presented on LCB File No. R035-22. Ms. Hayes began by telling the Board that the proposed regulations would bring Nevada in compliance with Federal law and Nevada Revised Statute regarding hemp components in food. Ms. Hayes stated the regulation provides a definition of what is an approved hemp component which is hemp product as a commodity or product containing hemp intended for human consumption or any other commodity or product that purports to contain cannabis at all, with a THC concentration that does not exceed the maximum THC concentration established by federal law. Ms. Hayes stated that the regulation allows hemp to be added to a food product if the product has been determined to be safe for human consumption. Ms. Hayes said that per federal law, the 21 CFR, Senate Bill (SB) 209 and SB 114 affect anyone who prepares food in Nevada and a licensed food establishment or a cottage food product both retail and manufactured food processors will need to ensure that hemp used as a component in food products meets the definition by the US Food and Drug Administration. Ms. Hayes also stated that the regulations require proper testing, pesticide content and labelling of the food products. Ms. Hayes said the regulations would not add any new fees or increase any existing fees.

The regulations require that the product derived from hemp meet the following conditions:

- It is approved and determined by the US Food and Drug Administration to be safe or generally recognized as safe for use as a food ingredient intended for human consumption,
- That the product has been tested by an independent testing laboratory certified by the Department of Taxation, and
- That it is manufactured in accordance with state and federal and local laws and is labeled in a manner that is not false or misleading.

Ms. Hayes stated that these proposed regulations do not provide provisions that are more stringent than a federal regulation that regulates the exact same activity. In summary, Ms.

Hayes concluded that the amendment to the law enables hemp to be used in food as well as drugs or cosmetic in Nevada while restricting THC content.

Dr. Larson asked for questions or comments from the Board. None heard.

Dr. Larson opened the floor to public comments. None heard.

DR. LARSON REQUESTED A MOTION ON **LCB FILE NO. R035-22 AMENDING THE NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 439**. MR. SMITH MADE A MOTION TO ADOPT THE PROPOSED REGULATION R035-22. THE MOTION WAS SECONDED BY DR. PONCE. THE MOTION TO ADOPT THE PROPOSED REGULATION PASSED UNANIMOUSLY.

8. ACTION ITEM: Reconsideration and Possible Adoption of Proposed Regulation Amendments to Chapter 450B in Nevada Administrative Code (NAC), LCB File No. R105- 22. This regulation amendment would clarify the effect on criminal convictions on background checks and fingerprinting submissions for Emergency Medical Services professionals, including an updated change from the Legislative Council Bureau.

Kevin Haywood, Emergency Medical Services Representative II, presented on behalf of Bobbie Sullivan for LCB File No. R105-22. Mr. Haywood reported that this was a reconsideration for LCB File Number R105-22 that had been approved at the June 6th 2023, meeting [Draft Board of Health Minutes June 2 2023 \(nv.gov\)](#) . Mr. Haywood stated the draft regulation submitted in June was not the Legislative Council Bureau (LCB) draft and that the requirement for fingerprint submission changed to every six years rather than every seven years.

Dr. Larson asked for questions or comments from the Board. None heard.

Dr. Larson opened the floor to public comment. None hear.

DR. LARSON REQUESTED A MOTION ON **LCB FILE NO. R105-22 AMENDING THE NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 450B**. DR MURAWSKY MADE A MOTION TO ADOPT THE PROPOSED REGULATION R105-22. THE MOTION WAS SECONDED BY MR. SMITH. THE MOTION TO ADOPT THE PROPOSED REGULATION PASSED UNANIMOUSLY.

9. ACTION ITEM: Recommendations for Future Agenda Items

None heard.

10. GENERAL PUBLIC COMMENT

None heard.

11. ADJOURNMENT – Jon Pennell, Chair

Chair Pennell adjourned. 10.20 a.m.