

Proposed Regulation of the State Board of Health
Amendments to Nevada Administrative Code (NAC) Chapter 228

Key:

~~Red strikethrough:~~ deletions

Light blue bold italics: additions

Section 1. NAC 228.101 is hereby amended as follows:

~~NAC 228.101—Application: Provision to Committee; meeting of Committee to consider; transmittal of Committee's recommendation to Division. (NRS 439.258)~~

~~—1. Upon receiving an application for the certification of a program pursuant to NAC 228.100, the Division will provide to the Committee:~~

~~—(a) The application for a recommendation as to whether the program should be certified; and~~

~~—(b) The date by which the Committee must include the application on an agenda of a meeting of the Committee, which must be at least 30 days after the date on which the Division provides the application to the Committee.~~

~~—2. Not later than 15 days after the meeting of the Committee described in paragraph (b) of subsection 1, the Committee shall provide to the Division its written recommendation as to whether the program whose application was included on the agenda of the meeting should be certified. The recommendation may be provided electronically. Except as otherwise provided in subsection 1 of NAC 228.102, the Division will not certify a program until it receives the written recommendation of the Committee.~~

~~—(Added to NAC by Div. of Pub. & Behavioral Health by R159-17, eff. 8-30-2018)~~

Section 2. NAC 228.102 is hereby amended as follows:

NAC 228.102 Provisional certificate. (NRS 228.470, 439.258)

1. The Division may issue a provisional certificate to an organization that operates a program if:

(a) The organization has submitted an application pursuant to NAC 228.100 and has substantially complied with the requirements set forth in that section; and

~~—(b) The Division has not yet received the written recommendation of the Committee pursuant to subsection 2 of NAC 228.101.~~

2. A provisional certificate expires on the date that the Division grants or denies certification to the program.

3. For the purposes of this section an organization has substantially complied with the requirements set forth in NAC 228.100 if the organization has employed, or retained as an independent contractor:

(a) One or more providers of treatment and at least one supervisor of treatment who meet the training and education requirements set forth in NAC 228.110; and

(b) A director of the program who meets the requirements of NAC 228.108.

(Added to NAC by Com. on Domestic Violence by R213-99, eff. 8-1-2000; A by Div. of Pub. & Behavioral Health by R159-17, 8-30-2018)

Section 3. Section 6 of LCB File No. R071-20 is hereby amended as follows:

Sec. 6. NAC 228.110 is hereby amended to read as follows:

228.110 1. A person may be employed, or retained as an independent contractor, in the position of a supervisor of treatment at a program if he or she:

- (a) Possesses a master's or doctorate degree in a field of clinical human services from an accredited college or university;
 - (b) Except as otherwise provided in subsection 3, is licensed in good standing in this State:
 - (1) As a psychologist pursuant to chapter 641 of NRS;
 - (2) As a marriage and family therapist pursuant to chapter 641A of NRS;
 - (3) As a clinical professional counselor pursuant to chapter 641A of NRS;
 - (4) As a clinical social worker pursuant to chapter 641B of NRS; or
 - (5) To practice medicine pursuant to chapter 630 or 633 of NRS and practices psychiatry;
 - (c) Except as otherwise provided in subsection 2, has:
 - (1) At least 2 years of experience in a supervisory capacity in the provision of services to victims of domestic violence or in the treatment of persons who commit domestic violence; or
 - (2) At least 5 years of experience in the direct provision of services to victims of domestic violence or treatment of persons who commit domestic violence;
 - (d) Has satisfactorily completed at least 60 hours of formal training in domestic violence which includes at least 30 hours of training in the provision of services to victims of domestic violence and at least 30 hours of training in the provision of treatment to persons who commit domestic violence;
 - (e) Has satisfactorily completed at least 15 hours of the training in domestic violence required by paragraph (d) during the 2 years immediately preceding the date on which the person is employed, or retained as an independent contractor, in the position of a supervisor of treatment at the program;
 - (f) Except for any conviction which is the subject of a pending appeal or with respect to which the time for filing a notice of appeal has not yet expired, attests, in the form prescribed by the Division, that he or she has never been convicted of a crime which demonstrates the person's unfitness to act as a supervisor of treatment;
 - (g) Is free of violence in his or her life;
 - (h) Is not currently a person with an addictive disorder related to prescription drugs or alcohol or a user of illegal drugs; and
 - (i) Except as otherwise provided in subsections 3 and 9, is approved by the Division to work as a supervisor of treatment pursuant to section 2 of this regulation.
2. The provisions of paragraph (c) of subsection 1 do not apply to a person who is employed, or retained as an independent contractor, in the position of a supervisor of treatment at a program on August 1, 2000.
3. A person who does not comply with the requirements of paragraph (b) of subsection 1 may be employed, or retained as an independent contractor, in the position of a supervisor of treatment at a program if: (a) The person submits a written request for approval to work as a supervisor of treatment to the Division that includes, without limitation:
 - (1) A statement concerning his or her work history, education and experience; and
 - (2) Except as otherwise provided in subsection 9, the application required for approval to work as a supervisor of treatment described in section 2 of this regulation;
- (b) Upon the request of the Division, the person participates in an interview with the Division in person or by telephone, videoconference or other electronic means; and
- (c) The Division approves the request for approval to work as a supervisor of treatment.
4. Within 120 days after the Division receives a request for approval to work as a supervisor of treatment pursuant to subsection 3, the Division will provide written notice of its approval or denial of the request to the person who submitted the request. If the Division denies the request, the notice will include the reasons for the denial of the request.
5. Unless a person who is employed, or retained as an independent contractor, in the position of a supervisor of treatment at a program pursuant to subsection 3 fails to renew his or her approval to work as a supervisor of treatment in a timely manner pursuant to section 3 of this regulation, the person is approved to work as a supervisor of treatment until the person is no longer employed, or retained as an

independent contractor, by an organization that operates a program if he or she meets the annual continuing education requirements set forth in NAC 228.210

6. A person may be employed, or retained as an independent contractor, in the position of a provider of treatment at a program if the person:

(a) Except as otherwise provided in subsection 7, possesses a bachelor's degree or more advanced degree;

(b) Is supervised by a supervisor of treatment who is qualified pursuant to subsection 1, 2 or 3 and that supervision includes, without limitation, meeting with the supervisor of treatment in person at least once each month and having the supervisor of treatment submit annual reports of satisfactory performance to the Division;

(c) Has satisfactorily completed at least 60 hours of formal training in domestic violence that includes, without limitation, at least 30 hours of training in the provision of services to victims of domestic violence and at least 30 hours of training in the provision of treatment to persons who commit domestic violence;

(d) Has satisfactorily completed at least 15 hours of the training in domestic violence required by paragraph (c) during the 2 years immediately preceding the date on which the person is employed, or retained as an independent contractor, in the position of a provider of treatment at the program;

(e) Except for any conviction which is the subject of a pending appeal or with respect to which the time for filing a notice of appeal has not yet expired, attests, in the form prescribed by the Division, that he or she has never been convicted of a crime which demonstrates the person's unfitness to act as a provider of treatment;

(f) Is free of violence in his or her life;

(g) Is not currently a person with an addictive disorder related to prescription drugs or alcohol or a user of illegal drugs; and

(h) Except as otherwise provided in subsections 7 and 9, is approved to work as a provider of treatment pursuant to section 2 of this regulation.

7. The Division may approve a person to be employed, or retained as an independent contractor, in the position of a provider of treatment at a program although the person does not meet the requirements of paragraph (a) of subsection 6, and a program may employ, or retain as an independent contractor, the person approved by the Division, if the program is located in a county whose population is less than 50,000 and the person proves, to the satisfaction of the Division, that:

(a) There is not another program located within a 50-mile radius of the program, or within the city or county in which the program is located;

(b) The person possesses the necessary skills and training to perform his or her job;

(c) Except as otherwise provided in subsection 9, the person has submitted to the Division the application required to be approved to work as a provider of treatment described in section 2 of this regulation; and

(d) The person has satisfied all other requirements of this section.

8. A person who is employed, or retained as an independent contractor, in the position of a provider of treatment at a program pursuant to subsection 7 is approved to work as a provider of treatment for a period which ends on:

(a) The expiration date of the approval to work as a provider of treatment, if the provider of treatment fails to renew the approval in a timely manner pursuant to section 3 of this regulation; or

(b) The date on which the program ceases to operate, whichever occurs first.

9. The provisions of paragraph (i) of subsection 1, subparagraph (2) of paragraph (a) of subsection 3, paragraph (h) of subsection 6 and paragraph (c) of subsection 7 do not apply to a person who is employed, or retained as an independent contractor, in the position of a supervisor of treatment or provider of treatment on the effective date of this regulation.

~~10. The director of a program or his or her designee shall:~~

~~(a) Upon hiring, or retaining as an independent contractor, a person in the position of a supervisor of treatment or a provider of treatment, attest in writing that the person meets the requirements of this section as a supervisor of treatment or a provider of treatment, as applicable; and~~

~~(b) Maintain a copy of the written attestation described in paragraph (a) for the duration of the person's employment or service as an independent contractor and provide it to the Division upon request and as required by NAC 228.130.~~

~~11. 10.~~ As used in this section, "free of violence in his or her life" means that a person:

- (a) Does not engage in acts of physical violence;
- (b) Does not verbally abuse, threaten, coerce or intimidate other persons on a regular basis;
- (c) Does not deny personal responsibility for the person's actions or blame other persons for his or her mistakes on a regular basis; and
- (d) Lives his or her life in a manner that is capable of serving as a model of nonviolent behavior.

Section 4. Section 7 of LCB File No. R071-20 is hereby amended as follows:

Sec. 7. NAC 228.130 is hereby amended to read as follows:

228.130 1. Except as otherwise provided in subsections 5 and 6, an organization that has obtained a certificate for a program pursuant to NAC 228.100 must submit a completed application to renew its certification not later than 12 months after the effective date of the certificate and every 12 months thereafter. If the organization was issued a provisional certificate pursuant to NAC 228.102 before it obtained a certificate for a program pursuant to NAC 228.100, the certificate obtained pursuant to NAC 228.100 expires 18 months after the Division first issued the provisional certificate.

2. The certificate will be renewed if the Division determines that:

- (a) The application for renewal is complete;
- (b) The organization which operates the program has satisfied the requirements of subsection 3 of NAC 228.100;
- (c) The program has passed the inspection of the Division conducted pursuant to NAC 228.270, if one is conducted;
- (d) The organization which operates the program has submitted:
 - ~~(1) Proof of completion of the hours of continuing education required by NAC 228.210;~~
 - ~~(2) For each person hired or retained as an independent contractor in the position of a supervisor of treatment or a provider of treatment during the previous year, a copy of the attestation required by subsection 10 of NAC 228.110;~~
 - ~~(3) (1)~~ The annual reports required by NAC 228.115;
 - ~~(4) (2)~~ The names of each provider of treatment or supervisor of treatment hired or retained as an independent contractor by the program after the date on which the initial application or the most recent application for renewal of the certificate, whichever is more recent, was submitted;
 - ~~(5) Proof that each provider of treatment or supervisor of treatment hired or retained as an independent contractor by the program has completed the continuing education required by NAC 228.210 for the period after the date on which the initial application or the most recent application for renewal of the certificate, whichever is more recent, was submitted;~~
 - ~~(6) (3)~~ Any notification required by NAC 228.125; and
 - ~~(7) (4)~~ Any other information required by the Division; and
- (e) The director of the program or his or her designee has signed the application for renewal. 3. Except as otherwise provided in subsection 6, if a completed application and the documents described in paragraph (d) of subsection 2 are not received by the Division on or before the renewal date of the certificate, the certificate expires 30 days after that date.

4. If a completed application is:

(a) Submitted electronically, it shall be deemed received by the Division on the date on which the Division records the application as having been received.

~~(b) Deposited with the United States Postal Service, it shall be deemed received by the Division on the date indicated on the post office cancellation mark stamped upon the envelope containing the document if:~~

~~(1) The envelope is properly addressed as instructed by the Division; and~~

~~(2) That date is earlier than the actual receipt of that document~~

5. If an incomplete application for the renewal of a certificate is submitted, the Division will notify the applicant of the additional information required to complete the application. If the Division does not receive the additional information within 90 days after the date of the notice, the Division will deny the application.

6. The organization may renew the certificate within 30 days after the renewal date of the certificate if the organization complies with the requirements set forth in subsection 2.

7. If a certificate is not renewed in a timely manner as required by subsection 1 or 6 or renewal of a certificate is denied pursuant to subsection 5:

(a) The Division will remove the program from the list of programs that it makes available to the courts of this State; and

(b) The organization which operated the program may reapply for certification of the program pursuant to NAC 228.100.

Joe Lombardo
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

**SMALL BUSINESS IMPACT STATEMENT 2023
PROPOSED AMENDMENTS TO NAC CHAPTER 228**

The Division of Public and Behavioral Health (DPBH) has determined that the proposed amendments should not have a negative economic impact upon a small business or inhibit the formation, operation or expansion of a small business in Nevada.

A small business is defined in Nevada Revised Statutes NRS 233B as a "business conducted for profit which employs fewer than 150 full-time or part-time employees."

This small business impact statement is made pursuant to NRS 233B.0608 (3) and complies with the requirements of NRS 233B.0609. As required by NRS 233B.0608(3), this statement identifies the methods used by the agency in determining the impact of the proposed regulation on a small business in sections 1, 2, 3, and 4 below and provides the reasons for the conclusions of the agency in section 8 below followed by the certification by the person responsible for the agency.

Background

The proposed regulations are being moved forward to increase efficiencies by reducing redundant regulations as well as bringing the proposed regulations in line with the passage of SB 45 of the 2021 legislative session which removed the requirement that the Attorney General's Committee on Domestic Violence review programs for the treatment of persons who commit domestic violence and make recommendations to the Division of Public and Behavioral Health regarding certification of these programs.

1) A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.

Pursuant to NRS 233B.0608 (2)(a), the Division of Public and Behavioral Health (Division) has requested input from Nevada's certified programs for the treatment of domestic violence as well as any members of the public that signed up for the Division's ListServ.

A Small Business Impact Questionnaire and the proposed regulations were sent to Nevada's certified programs for the treatment of domestic violence via an email with links to access the questionnaire and proposed regulations on March 23, 2023. The questions on the questionnaire were:

- 1) How many employees are currently employed by your business?
- 2) Will a specific regulation have an adverse economic effect upon your business?
- 3) Will the regulation(s) have any beneficial effect upon your business?
- 4) Do you anticipate any indirect adverse effects upon your business?

5) Do you anticipate any indirect beneficial effects upon your business?

Summary of Response

Summary of Comments Received

(Six (6) responses were received out of 9,053 small business impact questionnaires distributed)

Will a specific regulation have an adverse economic effect upon your business?	Will the regulation (s) have any beneficial effect upon your business?	Do you anticipate any indirect adverse effects upon your business?	Do you anticipate any indirect beneficial effects upon your business?
Yes – 0 No - 6	Yes – 0 No - 6	Yes – 0 No - 6	Yes – 1 No - 5
Comments: None	Comments: None	Comments: None	Comments: More criteria and oversight on these businesses that have such a large effect on society as a whole.

2) Describe the manner in which the analysis was conducted.

A small business impact questionnaire was distributed to all of Nevada’s certified programs for the treatment of domestic violence, including to small businesses. A Health Program Manager analyzed the responses to determine the impact to small businesses as well as reviewed the proposed regulations being omitted to determine if there would be a negative economic impact to small businesses.

3) The estimated economic effect of the proposed regulation on the small business which it is to regulate including, without limitation both adverse and beneficial effects and both direct and indirect effects.

- Direct Adverse economic effects: None
- Indirect Adverse economic effects: None
- Direct Beneficial economic effects: None
- Indirect Beneficial economic effects: Indirect beneficial economic effects may be realized through efficiencies gained. For example, time saved by not having the director or their designee attest in writing that a person meets the supervisor or provider of treatment requirements and other efficiencies obtained when programs apply or renew a certificate for a program for the treatment of persons who commit domestic violence.

4) Provide a description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.

The Division of Public and Behavioral Health has held several opportunities for small businesses and the public to provide input and comments regarding the proposed regulations, including the economic impact the proposed

regulations may have on a small business. No modifications to the proposed regulations have been made as a result of this input because no adverse economic effects were identified. A stakeholder feedback meeting was held on March 22, 2023. No one testified on the proposed changes to NAC Chapter 228. A public workshop will be held at a future date in which testimony provided, if any, will be considered.

5) The estimated cost to the agency for enforcement of the proposed regulation.

None.

6) If the proposed regulation provides a new fee or increases an existing fee, the total annual amount DPBH expects to collect and the manner in which the money will be used.

No new fees or an increase in existing fee is being proposed.

7) An explanation of why any duplicative or more stringent provisions than federal, state or local standards regulating the same activity are necessary.

There are no known duplicative or more stringent federal, state or local standards.

8) Provide a summary of the reasons for the conclusions of the agency regarding the impact of a regulation on small businesses.


Based on the analysis conducted pursuant to section 2 and the feedback provided by small business it was determined that the proposed regulations would not have an adverse economic impact on small businesses and may have an indirect beneficial impact on small businesses.

Any other persons interested in obtaining a copy of the summary may e-mail, call, or mail in a request to Leticia Metherell at the Division of Public and Behavioral Health at:

Division of Public and Behavioral Health
4150 Technology Way, Suite 300
Carson City, NV 89701
Leticia Metherell
Phone: 775-684-1045
Email: lmetherell@health.nv.gov

Certification by Person Responsible for the Agency

I, Lisa Sherych, Administrator of the Division of Public and Behavioral Health certify to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and the information contained in this statement was prepared properly and is accurate.

Signature  Date: 04/05/2023

Joe Lombardo
Governor



Richard Whitley, MS
Director

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DIVISION OF PUBLIC AND BEHAVIORAL HEALTH

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Lisa Sherych
Administrator

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

NOTICE OF PUBLIC WORKSHOP

NOTICE IS HEREBY GIVEN that the Division of Public and Behavioral Health will hold a public workshop, in accordance with Executive Order 2023-003 (entered January 12, 2023), to consider changes to Nevada Administrative Code (NAC) Chapters 228, 442, 445A, 449, 450B, 458, and 652.

The workshop will be conducted via videoconference beginning at 9:00 AM on Friday, April 21, 2023, at the following locations:

Meeting Link:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_NDdjODI4ZTYtNDdjMy00ZmFjLWE3YjMtZTdlNWYyMjQzNzJl%40thread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%22e2f9f008-841c-437d-b037-927c30ea003e%22%7d

Join By Phone:

+1 775-321-6111 United States, Reno

Phone Conference ID: 636 019 077#

Physical Location:

Nevada Division of Public and Behavioral Health (DPBH)

Hearing Room No. 303, 3rd Floor

4150 Technology Way, Carson City, Nevada 89706

These workshops will be conducted in accordance with NRS 241.020, Nevada's Open Meeting Law.

AGENDA

1. Introduction of workshop process
2. Public comment on recommended amendments to Nevada Administrative Code (NAC) Chapter 228
3. Public comment on recommended amendments to Nevada Administrative Code (NAC) Chapter 442
4. Public comment on recommended amendments to Nevada Administrative Code (NAC) Chapter 445A
5. Public comment on recommended amendments to Nevada Administrative Code (NAC) Chapter 449
6. Public comment on recommended amendments to Nevada Administrative Code (NAC) Chapter 450B
7. Public comment on recommended amendments to Nevada Administrative Code (NAC) Chapter 458
8. Public comment on recommended amendments to Nevada Administrative Code (NAC) Chapter 652
9. General Public Comment

The proposed changes would amend Nevada Administrative Code (NAC) and are being recommended in accordance with [Governor's Executive Order #2023-003](#).

The proposed amendments provide provisions for the following:

4150 Technology Way, Suite 300 • Carson City, Nevada 89706
775-684-4200 • Fax 775-687-7570 • dphh.nv.gov

Nevada Administrative Code (NAC) Chapter 228

1. Removes the following:
 - a. NAC 228.101 and NAC 228.102(1)(b) to bring into compliance with removal of requirements in Senate Bill 45 of the 2021 Legislative Session;
 - b. Section 6(10)(a) and (b) of LCB File No. R071-20, as each supervisor or provider of treatment must be individually approved and this can be easily verified, if needed; and,
 - c. Section 7(2)(d)(1), (2), and (5), and Section 7(4)(b), (4)(b)(1), and (4)(b)(2), of LCB File No. R071-20, as proof of continuing education completion will be conducted via an audit process, which will save program applicants a lot of time when submitting their renewals.
2. Editions within Nevada Administrative Code (NAC) Chapter 228 (edits to 228.101 and 228.102) would benefit health facilities and those hired as an employee or independent contractor by removing barriers in the certification process.
3. Editions to Section 6 of LCB File No. R071-20 will reduce extra burden on Domestic Violence Treatment Program providers. Each supervisor or provider of treatment must be individually approved, and this can be easily verified, if needed. The programs will still be required to provide the names/supervisors during the application process which can be used to verify the individuals have appropriate approval; therefore, the section being omitted is not needed.
4. Editions to Section 7 of LCB File No. R071-20 will reduce additional barriers for providing proof of continuing education completion. This will be conducted via an audit process, similar to what the Board of Nursing does which will save Program applicants a lot of time when submitting their renewals because they won't have to upload all of their supervisor and provider CEU documents which will create a less burdensome, more efficient application process.
5. The removal of this NAC subsection will reduce barriers to the public and business in accordance with the Governor's Executive Order 2023-003.

Nevada Administrative Code (NAC) Chapter 442

1. Removes NAC 442.080 in its entirety, as the bureau name is outdated and there is no need for the Bureau Chief to inform employees; all employees are already required to take a class on confidential health information.
2. Removal of NAC 442.080 eliminates regulation requirement of the Bureau Chief to provide all employees information regarding regulations relating to confidential materials. Recommendations for deletion within Chapter 442 would remove regulatory requirement for action that can be achieved with Bureau level policy.
3. The removal of this NAC subsection will reduce barriers to the public and business in accordance with the Governor's Executive Order 2023-003.

Nevada Administrative Code (NAC) Chapter 445A

1. Changes NAC 445A.547 from "outside" to "within" in the section title and in (1) and removes the annual permit to sell or distribute bottled water produced in a plant located outside of the state in NAC 445A.589.
2. Provisions or deletions within Nevada Administrative Code (NAC) Chapter 445A outlined above update provisions for Nevada companies producing bottled water for distribution within this State and benefit bottled water companies with out-of-state water plants by removing the permit requirements to sell or distribute bottled water within Nevada. It is unrealistic for Nevada to permit water that is bottled in other parts of the country or world but would still allow Environmental Health Services to have the authority to address complaints about bottled water sold outside of its jurisdiction.
3. Recommended amendment to NAC 445A.589 would eliminate a fee of \$175 annually if the water production plant is outside the State of Nevada.
4. The removal of this NAC subsection will reduce barriers to the public and business in accordance with the Governor's Executive Order 2023-003.

Nevada Administrative Code (NAC) Chapter 449

1. Removes the following:

- a. NAC 449.079 in its entirety, as this section affects licensed facilities for the treatment of alcohol or other substance use disorders;
 - b. The word “ironed” from NAC 449.126(4), NAC 449.15357(4), and NAC 449.74357(4) to reduce time during staffing storages, as well as relieving overall burden on industry;
 - c. NAC 449.154991(2), NAC 449.232(3), NAC 449.154937(2), and NAC 449.39516(2)(b), due to telephone directory regulations not being utilized anymore;
 - d. NAC 449.77417(2)(a) which clarifies confusion of enforcing authority; and,
 - e. Section 14 of LCB File No. R016-20 in its entirety to eliminate the annual requirement for cultural competency training.
2. Editions to NAC 449.079 includes the requirement for a licensed facility for the treatment of alcohol or other substance use disorders to obtain certification in accordance with NRS 458.025. This requirement was stricken from the statutory definition in 2015 by Senate Bill 500. The result was the statutory definition NRS 449.00455 for a facility for the treatment of alcohol or other substance use disorders does not require certification in order to be licensed. Repealing this section implements legislative intent.
 3. Editions to NAC 449.126, NAC 449.15357, and NAC 449.74357 reduce extra work required by the facility by excluding the requirement for ironing. This may also help relieve workload during staff shortages.
 4. Editions to NAC 449.15499, NAC 449.232, NAC 449.154937, and NAC 449.39516 eliminates language regarding requirements for facilities to be listed in a phone directory, which is no longer utilized.
 5. Editions to NAC 449.77417 clarifies authority for requirements outlined already through Nevada Revised Statutes (NRS). Current regulation under this section provides the ability of a SNF and ICF to apply for a variance, which is not applicable, as this requirement is outlined in statute. Statutes take precedence over the regulation, and as one of the restrictions to variances, the Board does not have the authority to vary a statute. Removing this language will prevent future occurrences of facilities attempting to vary the statute, by using the regulatory language. Further, the statutory requirements remain in place, so removing this language does nothing to diminish the requirements.
 6. @Editions to Section 14 of LCB File No. R016-20 eliminate the annual requirement for cultural competency training, reducing extreme financial burden on facilities.
 7. Recommendations for amendment or deletion within Chapter 449 would clarify and remove extraneous verbiage that is outdated or covered by other regulations and remove barriers for business.

Nevada Administrative Code (NAC) Chapter 450B

1. Removes NAC 450B.456, NAC 450B.457, NAC 450B.458, and NAC 450B.459 due to the DPBH Emergency Medical Services Office not regulating dispatchers.
2. Editions within Nevada Administrative Code (NAC) Chapter 450B outlined above would remove Nevada regulations regarding certification of emergency medical dispatchers. Dispatchers use a nationally accredited program. DPBH has not issued an Emergency Medical Dispatcher certification with approximately 5 years. Upon discussion with dispatcher supervisors, the removal of these sections would reduce barriers since the current regulations do not benefit dispatchers or their organizations.
3. The removal of this NAC subsection will reduce barriers to the public and business in accordance with the Governor’s Executive Order 2023-003.

Nevada Administrative Code (NAC) Chapter 458

1. Removes NAC 458.342(2)(e) due to duplication of background checks.
2. Editions within Nevada Administrative Code (NAC) Chapter 458 outlined above would update provisions for Nevada detoxification technician certifications by removing the redundant requirement of obtaining fingerprinting. Treatment agencies may already have a process in place for obtaining background checks; therefore, there is no need for both the treatment agency and the Division to conduct background checks.
3. The removal of this NAC subsection will reduce barriers to the public and business in accordance with the Governor’s Executive Order 2023-003.

Nevada Administrative Code (NAC) Chapter 652

1. Removes NAC 652.600 in its entirety due to not being used in the past and no plans for the program to use these in the future.
2. Editions within Nevada Administrative Code (NAC) Chapter 652 outlined above would update Nevada regulation by removing certification requirements to be an approved program for training laboratory technicians. Eliminates NAC 652.600 Program of training for certification as technicians. Approved training is listed in previous sections of NAC 652 as well as NRS 652.
3. The removal of this section will reduce barriers to the public and business in accordance with the Governor's Executive Order 2023-003.

Members of the public may make oral comments at this meeting. Persons wishing to submit written testimony or documentary evidence may submit the material to the Executive Assistant of the Division of Public and Behavioral Health, Autumn Blattman at the following email or address:

Division of Public and Behavioral Health
ATTN: Autumn Blattman
4150 Technology Way, Suite 300
Carson City, NV 89706
a.blattman@health.nv.gov
775-684-5850

Members of the public who require special accommodations or assistance at the workshops are required to notify Autumn Blattman by emailing a.blattman@health.nv.gov at the Division of Public and Behavioral Health, or by calling 775-684-5850 at least five (5) working days prior to the date of the public workshop.

A copy of the notice and the 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, Carson City, NV 89706
2. Division of Public and Behavioral Health, Rawson Neal Psychiatric Hospital, 1650 Community College Dr., Las Vegas, NV 89146
3. Nevada State Library and Archives, 100 Stewart Street, Carson City, NV, 89701

A copy of the regulations and small business impact statement can be found on the Division of Public and Behavioral Health's web page, at the following locations:

1. NAC Chapters 228, 449, and 652: [State of Nevada Health Facility Regulation Public Workshops \(nv.gov\)](#)
2. NAC Chapter 458: [Home - SAPTA \(nv.gov\)](#)
3. NAC Chapter 445A: [Trending Health Topics \(nv.gov\)](#)
4. NAC Chapter 442: [Maternal, Child and Adolescent Health \(MCH\) \(nv.gov\)](#)
5. NAC Chapter 450B: [EMS \(nv.gov\)](#)
6. All recommendations for NAC removals: [2023 Nevada State Board of Health \(nv.gov\)](#)

A copy of the public workshop notice can also be found at Nevada Legislature's web page:

<https://www.leg.state.nv.us/App/Notice/A/>

A copy of this notice has been posted at the following locations:

1. Division of Public and Behavioral Health, 4150 Technology Way, First Floor Lobby, Carson City, NV 89706
2. Division of Public and Behavioral Health, Rawson Neal Psychiatric Hospital, 1650 Community College Dr., Las Vegas, NV 89146
3. Nevada State Library and Archives, 100 Stewart St., Carson City, NV 89701

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

Per NRS 233B.064(2), upon adoption of any regulations, 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.