

**Proposed Regulation of the State Board of Health**  
Amendments to Nevada Administrative Code (NAC) Chapter 450B

**Key:**

~~Red strikethrough:~~ deletions

**Section 1.** NAC 450B.456 is hereby deleted.

~~NAC 450B.456—Qualifications for certification. (NRS 450B.120, 450B.155)~~

~~—1. To be certified as an emergency medical dispatcher, an applicant must:~~

~~—(a) Be 18 years of age or older; and~~

~~—(b) Successfully complete training pursuant to a national standard for emergency medical dispatchers or an equivalent standard approved by the Division.~~

~~—2. The applicant shall submit proof to the Division, signed by the person responsible for the training, that the applicant has successfully completed the course or curriculum specified in paragraph (b) of subsection 1.~~

~~—(Added to NAC by Bd. of Health by R182-01, eff. 3-5-2002; A by R024-14, 10-24-2014)~~

**Section 2.** NAC 450B.457 is hereby deleted.

~~NAC 450B.457—Certification of emergency medical dispatcher trained in another state. (NRS 450B.120, 450B.155)~~

~~—1. The Division may issue a certificate as an emergency medical dispatcher to an applicant who is trained in another state if:~~

~~—(a) The applicant:~~

~~—(1) Is a resident of Nevada;~~

~~—(2) Will be a resident of Nevada within 6 months after applying for a certificate;~~

~~—(3) Is a resident of another state and is employed by an agency that is responsible for emergency medical dispatch within the State of Nevada; or~~

~~—(4) Is attending a course of training held in this State and approved by the Division.~~

~~—(b) The applicant:~~

~~—(1) Successfully completes a course of training that is approved by the Division and is at least equivalent to the national standard for emergency medical dispatchers; and~~

~~—(2) Holds a certificate as an emergency medical dispatcher that is issued by an authorized agency in the other state.~~

~~—(c) The applicant's certification or registration in the other state has not been revoked, terminated or suspended pursuant to any disciplinary proceeding.~~

~~—(d) The Division receives verification of the applicant's certificate as an emergency medical dispatcher from the issuing agency of the other state on a form provided by the Division.~~

~~—(e) The applicant submits the appropriate form and the fee prescribed in NAC 450B.700.~~

~~—2. The Division may require the applicant to pass an evaluation or examination of his or her competency administered by the Division.~~

~~—(Added to NAC by Bd. of Health by R182-01, eff. 3-5-2002; A by R024-14, 10-24-2014; R068-16, 1-27-2017)~~

**Section 3.** NAC 450B.458 is hereby deleted.

~~—NAC 450B.458—Expiration and renewal of certificate. (NRS 450B.120, 450B.155)~~

~~—1.— A certificate as an emergency medical dispatcher expires on the date of expiration appearing on the certificate and, after the initial period, expires biennially. The Division shall designate the date of expiration of each certificate.~~

~~—2.— Such a certificate may be renewed if:~~

~~—(a) The Division determines that the holder of the certificate has, before the date of expiration, successfully completed:~~

~~—(1) A course of continuing training that is at least equivalent to the national standard prepared by the National Highway Traffic Safety Administration of the United States Department of Transportation as a national standard as a refresher course for emergency medical dispatchers and is offered by a training center or approved by the Division; or~~

~~—(2) Any other program of continuing education that is approved by the Division. Such a program must not be approved unless the requirement for attendance for that program for an emergency medical dispatcher is at least 8 hours.~~

~~—(b) The holder submits, within the 3 months immediately preceding the date the certificate expires, an application indicating compliance with the requirements set forth in paragraph (a).~~

~~—(Added to NAC by Bd. of Health by R182-01, eff. 3-5-2002; A by R024-14, 10-24-2014; R068-16, 1-27-2017)~~

**Section 4.** NAC 450B.459 is hereby deleted.

~~**NAC 450B.459—Late renewal of certificate.** (NRS 450B.120, 450B.155) If an emergency medical dispatcher is unable to attend a course for continuing training required to renew his or her certificate, or otherwise comply with the requirements for renewal, within the prescribed period, he or she may submit a written request for a late renewal on a form provided by the Division.~~

~~—(Added to NAC by Bd. of Health by R182-01, eff. 3-5-2002; A by R068-16, 1-27-2017)~~

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

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**SMALL BUSINESS IMPACT STATEMENT 2023  
PROPOSED AMENDMENTS TO NAC 450B**

The Division of Public and Behavioral Health (DPBH) has determined that the proposed amendments should not have any adverse effect upon a small business or negatively impact 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 DPBH determined that existing Nevada Administrative Code (NAC) 450B.456, 450B.457, 450B.458, and 450B.459 needed to be removed as an unnecessary and burdensome regulation that could negatively affect medical dispatchers in Nevada. All medical dispatchers in Nevada already complete the national standards prior. Therefore, additional education requirements are not necessary.

**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), DPBH has requested input from stakeholders, small businesses, and users of the Vital Records System.

A Small Business Impact Questionnaire was sent to all users of the users of the Image Trend License Management system (which is the system all EMS personnel are required to use) along with a copy of the proposed regulations on March 24<sup>th</sup>, 2023. In addition, on March 22<sup>nd</sup>, 2023, the Small Business Impact Questionnaire was also sent out to multiple listservs for healthcare facilities, child care facilities, dieticians, music therapists, and laboratory personnel. These listservs were comprised of approximately 9,000 individuals.

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? If so, please indicate the estimated dollar amount(s) you believe the adopted regulations will cost you over one calendar year with a brief explanation as to how the dollar amount was calculated.
- 3) Will the regulation(s) have any beneficial effect upon your business? If so, please include any cost savings you believe the adopted regulations will save you over one calendar year with an estimated dollar amount if applicable.
- 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**

<b>Summary of Comments Received</b> (3 responses were received out of 118 small business impact questionnaires distributed)			
<b>Will a specific regulation have an adverse economic effect upon your business?</b>	<b>Will the regulation (s) have any beneficial effect upon your business?</b>	<b>Do you anticipate any indirect adverse effects upon your business?</b>	<b>Do you anticipate any indirect beneficial effects upon your business?</b>
0 – Yes 3 - No 0 - Unknown	1 – Yes 2 - No 0 - Unknown	1 – Yes 2 - No 0 - Unknown	0 – Yes 3 - No 0 - Unknown

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

On March 22<sup>nd</sup>, 2023, a Stakeholder Feedback Meeting was held to solicit feedback on regulations that businesses and the public felt needed deletion as part of the Governor’s Executive Order #2023-003. In addition, a Small Business Impact Questionnaire was sent to a listserv via email consisting of 118 Emergency Medical Services professionals and approximately 9,000 other healthcare licensees via group and individual emails. The survey was conducted via Microsoft Forms.

**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.**

There is no estimated economic effect of the proposed regulations on small business.

**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 DPBH received three (3) responses regarding the proposed regulations. A Public Workshop will be conducted on April 21<sup>st</sup>, 2023, to further solicit input on the proposed regulation changes. In addition, a Public Hearing will be held on April 28, 2023, allowing for further input by the public and regulated community regarding the proposed regulations and the impact. These comments will be taken into consideration for possible further revisions to the regulations to reduce the economic impact on facilities.

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

There is no anticipated cost to the agency for enforcement of the proposed regulations.

**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.**

There are no fee increases.

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

At this time, there are no duplicative or more stringent provisions than 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.**

The agency concludes the proposed regulations will produce negligible impact on small businesses. The NAC 450B proposed regulation editions change dispatcher education and certification requirements to better.

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

Division of Public and Behavioral Health  
Emergency Medical Services Office  
Attn: Bobbie Sullivan, Program Manager  
4126 Technology Way, Suite 100  
Carson City, NV 89701  
Phone: 775-753-1128  
Email: bsullivan@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  
*Helping people. It's who we are and what we do.*



Lisa Sherych  
Administrator

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

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## **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](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, 3<sup>rd</sup> 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:

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4150 Technology Way, Suite 300 • Carson City, Nevada 89706  
775-684-4200 • Fax 775-687-7570 • [dphh.nv.gov](http://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](mailto: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](mailto: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.