

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

**MEETING MINUTES
STATE BOARD OF HEALTH
March 1, 2024
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:

[Click here to join the meeting.](#)

Phone Number:

+1-775-321-6111

Phone Conference ID Number: 228 824 297#

1. CALL TO ORDER/ROLL CALL

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

Dr. Jon Pennell, Chair, called the meeting to order at 9:01 am.

BOARD MEMBERS PRESENT:

Dr. Jon Pennell, DVM, Chair
Dr. Jeffrey Murawsky, MD, Vice Chair
Mr. Charles Smith
Ms. Jennifer Belza- Vinuya

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

Cody Phinney; Kelli Knutzon; Brianna Anderson; Kayla Villegas, Dr. Isham Azzam, Teresa Hayes; Leticia Metherell; Nikki Mead; Mitch DeValliere, Kyle Devine; Nicki Aaker; Janice Hadlock- Burnett; Bobbie Sullivan; Kayla Samuels; Brian Heward ; Julia Peek; Andria Cordovez Mulet; Randolph Luckett; Aundrea

Ogushi; Pierron Tackes; John Follette; Erin Williams; Kevin Dick; Bob Harris; Steve Messinger; Fermin Leguen; Sarah Ellington Joseph Filippi; Michael Flynn; Steve Gerleman; Paul Shubert; Vickie Ives.

2. ACTION ITEM: Review and Approval of meeting minutes from December 1, 2023.

Dr. Murawsky asked if there were any additions or corrections to the December 1, 2023, meeting minutes.

Dr. Jon Pennel I corrected agenda item number 5 on the December 1, 2023, meeting minutes, explaining that it was Vice Chair, Jeffrey Murawsky was the one to second the motion.

MOTION: Dr. Jeffrey Murawsky

SECOND: Charles Smith

PASSED: Unanimously

3. Quarterly County and District Health Reports

a. Carson City Health and Human Services – *Dr. Colleen Lyons, Health Officer and Nicki Aaker, Director*

Please see the report at the following link:

https://dphh.nv.gov/Boards/BOH/Meetings/2024/2024_Nevada_State_Board_of_Health/

b. Northern Nevada Public Health - *Kevin Dick, District Health Officer*

Please see the report at the following link:

<https://dphh.nv.gov/uploadedFiles/dphh.nv.gov/content/Boards/BOH/Meetings/2024/NNPH.pdf>

c. Southern Nevada Health District – *Dr. Fermin Leguen, MD, MPH, District Health Officer*

Please see the report at the following link:

<https://dphh.nv.gov/uploadedFiles/dphh.nv.gov/content/Boards/BOH/Meetings/2024/SNHD.pdf>

d. Central Nevada Health District - *Dr. Tedd McDonald*

Please see the report at the following link:

https://dphh.nv.gov/Boards/BOH/Meetings/2024/2024_Nevada_State_Board_of_Health/

e. State of Nevada – *Dr. Ihsan Azzam*

Please see the report at the following link:

https://dphh.nv.gov/Boards/BOH/Meetings/2024/2024_Nevada_State_Board_of_Health/

There were no further verbal health office reports.

4. ACTION ITEM: Consent agenda for approval

a. Discussion and possible new appointment of Trent Schroetlin to the committee on Emergency Medical Services for the position serving as a person who is employed by or volunteers with an agency, organization or other operator that provides emergency medical services on tribal land. – Janice Hadlock-Burnett, Bureau Chief, Bureau of Health Protection and Preparedness, DPBH.

b. Discussion and possible new appointment of Chris McHan to the committee on Emergency on Medical Services for the position serving as a person who is employed by or serves as a volunteer with a local government agency that provides emergency medical services. – Janice Hadlock-Burnett, Bureau Chief, Bureau of Health Protection and Preparedness, DPBH.

c. Discussion and possible approval of the update and changes to the Declaration of Paternity Form – Nikki Mead, Office of Vital Records, DPBH

There were no items pulled for questions or public comments on the consent agenda, Chair Pennell called for a motion of approval.

MOTION: Dr. Jeffrey Murawsky

SECOND: Charles Smith
PASSED: Unanimously

5. ACTION ITEM: Consideration and Possible Adoption of Proposed Regulation Amendments to Nevada Administrative Code (NAC) Chapter 459 are required in accordance with Assembly Bill (AB) 471 of the 2021 Legislative Session with and Nevada Revised Statutes (NRS) Chapter 459, LCB File No. R066-23P. The proposed would include establishing a 6% fee for the renewal or issuance of radiation machines to support the system for reporting of information on cancer and other neoplasm - *Aundrea Ogushi, Program Manager, Nevada Central Cancer Registry, DPBH*

Andrea Ogushi, Nevada Central Registry Program Manager, introduced and explained the proposed regulation of LCB File No. R066-23P. Ms. Ogushi stated the regulation was developed by the Division of Public and Behavioral Health in collaboration with her programs stakeholders, which includes the Nevada Hospital Association, the Nevada Rural Health Partners, and the Division Programs including Radiation Control Program and Health care Quality and Compliance to amend NAC Chapter 459. Ms. Ogushi explained that the proposed regulation would introduce a fee of 6% for the renewal and issuance of radiation machines, she says that the minimal 6% fee will be utilized to support the system for reporting of information on cancer and other neoplasms, which in turn will assist with funding for additional registry staff to support the cancer registry operations. Additionally, Ms. Ogushi says that this funding will facilitate ongoing improvements in data collection, analysis, reporting capabilities, enhancing the effectiveness and efficiency of the Nevada Cancer surveillance efforts statewide. Ms. Ogushi said that a small business impact questionnaire was sent out to over 4,000 recipients along with a copy of the proposed regulation. The results received from the questionnaire and the public workshop indicated general support for the proposed regulation.

Chair Pennell asked for questions and comments from the board and the public.

None were heard.

Chair Pennell called for a motion of approval for LCB File No. R066-23P, the 6% fee for renewal or issuance of radiation machines.

MOTION: Charles Smith

SECOND: Jennifer Belza- Vinuya

PASSED: Unanimously

6. ACTION ITEM: Consideration and Possible Adoption of Proposed Regulation Amendments to Nevada Administrative Code (NAC) Chapter 445A are required in accordance with the Governor's Executive Order #2023-03. LCB File No. R080-23. Pursuant to the order, the Division of Public and Behavioral Health to revise the language and remove the requirement for water bottled in a plant outside of Nevada to have a permit or pay a fee to the Division. This language clarifies that water bottled within Nevada will still require a permit with the Division - *Teresa Hayes, REHS, Program Manager, Environmental Health Section, DPBH*

Teresa Hayes, Environmental Health Program Manager with the Nevada Division of Public and Behavioral Health, introduced and explained the proposed regulation LCB File No. R080-23. Ms. Hayes states that the State of Nevada has regulated all bottled water products that were imported into the State, for example, Nevada currently regulates 188 bottled water manufacturers in 38 US States and in 11 Countries. Ms. Hayes says that New York is the only other state that requires a permit for water to be imported into the United States which can result in a loss of \$32,900 in annual fees for the program. Ms. Hayes explains that the revised language removes the requirement for bottled water plants outside of Nevada to have a permit or pay the Division a fee.

Ms. Hayes expresses that the division is committed to streamlining the permitting of bottled water firms in Nevada from other States and Countries. She says that the State of Nevada retains full authority to

require testing of any food product which may be considered a substantial health hazard. Furthermore, bottled water firms are also subject to comply with the federal Food Safety Modernization Act. Additionally, a small business impact questionnaire, along with a copy of the proposed regulation was posted by the Division of Public and Behavioral Health in compliance with the executive order. Ms. Hayes explained that two comments were received, both respondents believing that the proposed regulation will have adverse effects on their businesses. Furthermore, a public workshop was held in April of 2023, in which no public comments were heard.

Chair Pennell asked for questions and comments from the board and the public.

None were heard.

Chair Pennell called for a motion of approval for LCB File No. R080-23, to revise the language and remove the requirement for water bottled in a plant outside of Nevada to have a permit or pay a fee to the Division.

MOTION: Dr. Jeffrey Murawsky

SECOND: Charles Smith

PASSED: Unanimously

7. ACTION ITEM: Consideration and Possible Adoption of Proposed Regulation Amendments to Nevada Administrative Code (NAC) Chapter 439. LCB File No. R085-23. The proposed regulation requires the Division of Public and Behavioral Health (DPBH) to establish a fee pursuant to NRS 439.948, for a facility, hospital agency, program or home or an intermediary service organization of no more than \$14 to utilize the Nevada Automated Background Check System (NABS)b- *Leticia Metherell, RN, CPM, Health Program Manager III, Bureau of Health Care Quality and Compliance and Kayla Samuels, Management Analyst II, Bureau of Health Care Quality and Compliance*

Kayla Samuels, Management Analyst for the Bureau of Health Care Quality and Compliance, introduced and explained the proposed regulation of LCB File No. R085-23. Ms. Samuels explained that a public workshop for the proposed regulation was held on October 6, 2024, and no testimony or opposition was provided during public comment, instead they received one testimony of support. Ms. Samuels said that the proposed regulation amends NAC Chapter 439 to authorize the division to charge a facility, hospital agency, or intermediary service organization a fee not more than \$14.00 per application to conduct an investigation into the personal history of a person. Furthermore, the amendment authorizes those bodies who are assessed the feature, the ability to recover the cost assessed from the person subject to the investigation.

Chair Pennell asked for questions and comments from the board and the public.

Sylvia Smith, with Care Services of Nevada made a public comment, asking, if the \$14.00 would be an additional fee on top of what organization already pays for.

Leticia Metherell, Health Program Manager for the Health Care Quality and Compliance program for the Division of Public and Behavioral Health, responded to Sylvie Smith confirming the answer to her question that the fee would be additional to the current DPS Fingerprinting fee that is already in place. Leticia explains that departments can either pay the additional \$14.00 fee, or charge employees the fee based on their policies.

Sylvie Smith responded asking another question, how the \$14.00 fee would be charged.

Leticia responded to Sylvie saying that it will be through the current NABS system, so it can be paid either by E- Check or Credit Card.

There were no further public comments or questions.

Chair Pennell called for a motion of approval for LCB File No. Ro85-23, to establish a fee, for a facility, hospital agency, program, home, or an intermediary service organization of no more that \$14.00 to utilize the NABS System.

Chair Murawsky abstained from voting on this agenda item.

MOTION: Charles Smith

SECOND: Jennifer Belza- Vinuya

PASSED: Unanimously

8. INFORMATIONAL ITEM: Presentation on the State Health Assessment and State Health Improvement Plan – *Mitch Devalliere, DC, LSSBB, Agency Manager, Public Health Infrastructure, and Improvement Section, DPBH*

Mitch Devalliere, Agency Manager for the Division of Public and Behavioral Health, gave a presentation on the Nevada State Health Assessment and the State Health Improvement Plan.

Please see the full presentation at the following link:

[https://dpbh.nv.gov/uploadedFiles/dpbhnavgov/content/Boards/BOH/Meetings/2024/State%20Health%20Improvement%20Plan\(1\).pdf](https://dpbh.nv.gov/uploadedFiles/dpbhnavgov/content/Boards/BOH/Meetings/2024/State%20Health%20Improvement%20Plan(1).pdf)

9. INFORMATIONAL ITEM: Presentation and update of the Nevada State Environmental Commission – *Charles Smith, State Board of Health Member*

Charles Smith, State of Nevada Board of Health Member, gave a presentation on the Nevada State Environmental Commission.

Please see the full presentation at the following link:

<https://dpbh.nv.gov/uploadedFiles/dpbhnavgov/content/Boards/BOH/Meetings/2024/SEC%20Meeting%20December%207,%202023.pdf>

8. GENERAL PUBLIC COMMENT: Action may not be taken on any matter brought up under this agenda item until scheduled on an agenda for a later meeting.

None Heard.

9. ADJOURNMENT – Jon Pennell, Chair

Chair Pennell adjourned the meeting at 10:20 a.m.