

Joe Lombardo  
Governor

Richard Whitley,  
MS  
Director



Cody L. Phinney,  
MPH  
Administrator

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

## NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Amendment of Regulations of the Board of Health

LCB File No. R107-24P relating to removal of NAC 442.080 in its entirety as the bureau name is outdated and there is no need for the Bureau Chief to inform employees as all employees are already required to take a class on confidential health information.

NOTICE IS HEREBY GIVEN that the State Board of Health will hold a public hearing to consider amendments to Chapter 442 of Nevada Administrative Code (NAC). This public hearing is to be held in conjunction with the State Board of Health meeting on December 6, 2024.

The State Board of Health will be conducted via videoconference beginning at 9:00 AM on the 6<sup>th</sup> of December 2024 at the following locations:

- Join via Teams: [https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_Njc0YjUxMDItYzljYy00YTBlThkNTktYmIxY2YxYjYyMGZl%40thread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%22768e443d-3be6-48f0-9bb0-7e72f1276b8d%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_Njc0YjUxMDItYzljYy00YTBlThkNTktYmIxY2YxYjYyMGZl%40thread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%22768e443d-3be6-48f0-9bb0-7e72f1276b8d%22%7d)
- Join By Phone: (775) 321-6111  
Phone Conference ID: 758 031 181#
- Physical Locations:  
*Division of Public and Behavioral Health*  
Hearing Room 303  
4150 Technology Way  
Carson City, NV 89706  
*Southern Nevada Health District*  
Red Rock Trail Rooms A & B  
208 S. Decatur Blvd.  
Las Vegas, NV 89107

The proposed changes to NAC Chapter 442 include the following:

- The proposed changes to NAC Chapter 442 include the deletion of Nevada Administrative Code (NAC) [442.080](#) by which the Chief of the Bureau of Children's Services informs all employees of the Bureau of regulations relating to confidential materials.
  - The Bureau is no longer named the Bureau of Children's Services.
- Current Division of Public and Behavioral Health onboarding requirements already ensure all employees of the Division receive instruction on confidential materials and this includes all employees of the Bureau.
- The regulation is redundant since the process referenced in NAC [442.080](#) occurs as a mandated

aspect of Division policy and required trainings.

1. Anticipated effects on the business which NAC 442 regulates:

- A. *Adverse effects:* No adverse effects to businesses were identified through the Small Business Questionnaire, a stakeholder feedback meeting held on March 22, 2023, nor the Public Workshop at the Board of Health Meeting on April 28, 2023.
- B. *Beneficial:* No beneficial effects to businesses were identified through the Small Business Questionnaire, a stakeholder feedback meeting held on March 22, 2023, nor the Public Workshop at the Board of Health Meeting on April 28, 2023.
- C. *Immediate:* As soon as the proposed regulations become effective it would allow for the removal of a redundant regulation and have no impact to businesses in the State of Nevada.
- D. *Long-term:* No long-term beneficial effects to businesses in the State of Nevada will be realized.

2. Anticipated effects on the public:

- A. *Adverse effects:* No adverse effects to the public were identified through the Small Business Questionnaire, a stakeholder feedback meeting held on March 22, 2023, nor the Public Workshop at the Board of Health Meeting on April 28, 2023.
- B. *Beneficial:* No beneficial effects to the public were identified through the Small Business Questionnaire, a stakeholder feedback meeting held on March 22, 2023, nor the Public Workshop at the Board of Health Meeting on April 28, 2023.
- C. *Immediate:* As soon as the proposed regulations become effective it would allow for the removal of a redundant regulation and have no impact on the public in the State of Nevada.
- D. *Long-term:* No long-term beneficial effects to the public in the State of Nevada will be realized.

3. The Division of Public and Behavioral Health determined the impact on small business pursuant to NRS 233B.0608 (2)(a), by requesting input from 9,053 individuals solicited via email and by holding a stakeholder feedback meeting on March 22, 2023. An email making stakeholders aware of a pending stakeholder feedback meeting was widely distributed on March 15, 2023, and the meeting was held with a physical and virtual option to attend on March 22, 2023. The Small Business Impact Questionnaire was distributed to 9,053 individuals and two (2) responses were received indicating no adverse or beneficial direct or indirect effects or impacts of the proposed regulation.

4. There is no estimated cost to the Division of Public and Behavioral Health for removal of the proposed regulations. There are no fees currently set in this regulation and fees would not be used to cover the costs to remove the proposed regulations.

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

Members of the public may make oral comments at this meeting. Persons wishing to submit written testimony or documentary evidence in excess of two typed, 8-1/2" x 11" pages must submit the material to the Board's Secretary, Cody L. Phinney, MPH, to be received no later than November 29, 2024, at the following address:

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

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

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

Nevada Division of Public and Behavioral Health  
4150 Technology Way, Suite# 300  
Carson City, NV 89706

Nevada State Library and Archives  
100 Stewart Street  
Carson City, NV

A copy of the regulations and small business impact statement can be found on-line by going to: [https://dphh.nv.gov/Programs/Maternal,\\_Child\\_and\\_Adolescent\\_Health\\_\(MCH\)/](https://dphh.nv.gov/Programs/Maternal,_Child_and_Adolescent_Health_(MCH)/).

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

Copies may be obtained in person, by mail, or by calling the Division of Public and Behavioral Health at (775) 684-2201.

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

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

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