

Joe Lombardo
Governor

Richard Whitley,
MS
Director



Cody 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. 121-24 relating to Domestic Violence Treatment Programs

NOTICE IS HEREBY GIVEN that the State Board of Health will hold a public hearing to consider amendments to Chapter 228 of Nevada Administrative Code (NAC). This public hearing is to be held in conjunction with the State Board of Health meeting on September 6, 2024, at 9:00 AM.

The State Board of Health will be conducted via videoconference beginning at 9:00 AM on September 6, 2024, at the following locations:

- Microsoft Teams: https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZjcxNGQzYjQtMzM1OS00MTNiLTg1ZWYtMmExODkwZTBkMTQ0%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

OR

[- Click here to join -](#)

- Join By Phone
1-775-321-6111
Conference ID: 382 183 728#
- 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

R121-24 seeks to amend NAC Chapter 228 to establish fees for the licensing and regulation of domestic violence treatment programs.

1. Anticipated effects on the business which NAC 228 regulates:

- A. *Adverse effects:* The direct adverse economic effect includes the imposition of the fees outlined in the proposed regulations to obtain and maintain certification, whereas existing rules do not require any fees for the certification as a program for the treatment of domestic violence.
- B. *Beneficial:* No beneficial financial impacts are anticipated on small businesses.
- C. *Immediate:* Small businesses impacted by the passage of these proposed regulations will need to pay one of the applicable licensure fees once a qualifying event occurs, for example, upon renewal of a certificate for a program for the treatment of domestic violence.
- D. *Long-term:* Continuation of payment of applicable fees when a qualifying event occurs.

2. Anticipated effects on the public:

- A. *Adverse:* There are no anticipated adverse effects on the public. Although it is possible that increased costs may be passed on to clients, this feedback was not provided by industry during the public workshop and small business impact process.
- B. *Beneficial:* There are no anticipated beneficial effects on the public.
- C. *Immediate:* There are no anticipated immediate effects on the public.
- D. *Long-term:* There are no anticipated long-term effects on the public.

3. The Division of Public and Behavioral Health determined the impact on small business by conducting a public workshop on April 2, 2024 and a second public workshop on July 31, 2024. The Division sent an email containing a link to the Small Business Impact Questionnaire to programs for the treatment of domestic violence certified by the Division of Public and Behavioral Health.

4. There should be no additional costs to the agency to enforce the proposed regulations.

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

6. The proposed regulation imposes a new fee for programs for the treatment of domestic violence as outlined in LCB File No. R121-24.

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 Phinney, to be received no later than August 22, 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

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 Division of Public and Behavioral Health - 4220 S. Maryland Parkway, Bldg. A, Ste. 100, Las Vegas, NV 89119
- 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-line by going to:

https://dpbh.nv.gov/Reg/HealthFacilities/State_of_Nevada_Health_Facility_Regulation_Public_Workshops/

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:

Division of Public and Behavioral Health
727 Fairview Drive, Suite E
Carson City, NV 89701
(775) 684-1030
(775) 684-1045
lmetherell@health.nv.gov

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.

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

MEMORANDUM

DATE: August 1, 2024

TO: Jon Pennell, DVM, Chairperson, State Board of Health

FROM: Cody Phinney, MPH, Administrator, Division of Public and Behavioral Health

RE: Consideration and adoption of the proposed regulation amendment to Nevada Administrative Code (NAC) Chapter 228, Legislative Council Bureau (LCB) File No. R121-24.

PURPOSE OF THE AMENDMENT

The purpose of the proposed regulations is to establish fees to certify and regulate certified domestic violence treatment programs in order to be able to cover the operating costs to carry out these duties without having licensure fees from health care facilities subsidize the operating costs to certify and regulate these programs.

SUMMARY OF CHANGES TO THE NEVADA ADMINISTRATIVE CODE (NAC) 228

R121-24 seeks to amend NAC 228 to establish fees for the licensing and regulation of domestic violence treatment programs.

POSSIBLE OUTCOME IF PROPOSED AMENDMENT IS NOT APPROVED

If LCB File No. R121-24 is not approved, the Division will not collect the necessary fees to certify and regulate domestic violence treatment programs; therefore, other licensed health care facilities will continue to subsidize these operating costs.

PUBLIC COMMENT RECEIVED

A public workshop was held on April 2, 2024, and July 31, 2024.

April 2, 2024 – Public Workshop

There were five (5) non-Division of Public and Behavioral Health participants who attended the public workshop virtually. Only Division of Public and Behavioral Health staff attended in-person. Two (2) of the five (5) participants provided public comment.

Neither of the two individuals that provided public comment noted whether they were in support or opposed to the proposed regulations. A summary of the comments follows:

One individual requested further information on the licensing fees (through the virtual chat function). The individual was directed to the section of the proposed regulations that outlines the fees. It was noted that the initial fee for certification would be \$598 but that would not apply to those who are currently certified. Those that are currently certified would pay a \$299 fee per year to renew their certificate. It was

also noted that if a currently certified program wanted to add an additional location the fee would be \$245 and would not be the full initial fee of \$598.

July 31, 2024 – Public Workshop

There were five (5) non-Division of Public and Behavioral Health participants who attended the public workshop virtually. Only Division of Public and Behavioral Health staff attended in-person. Five (5) of the five (5) participants provided public comment during the public workshop which included a workshop on LCB File No. R121-24 and LCB File No. R073-24; both are related to programs for the treatment of domestic violence. Below is a recap of the testimony provided related to LCB File No. R121-24 and the assessment of fees on programs for the treatment of domestic violence.

One person wanted to know if the fees pertained to the fees that the facility can charge for people to attend. It was explained that the fees were not fees pertaining to what a facility can charge people to attend but instead were fees that the Division of Public and Behavioral Health would assess on programs to become initially certified or to renew their certification. It was also clarified that currently no fees are assessed to certify programs for the treatment of domestic violence. He also wanted clarification to the types of fees being assessed and when the fees would take place. He also wanted to know how much the fee would be per program.

It was explained that the fees would not go into place until the proposed regulations completed the regulatory process and become effective. It was explained that an exact timeframe could not be given but it is anticipated that it would occur within the next 6 months. It was explained that currently certified programs would not have to pay the initial fee but would be required to pay the \$299 annual renewal fee.

A second person wanted information on where the fees would go including how the money would be used. It was explained that the fees would be collected by the Division of Public and Behavioral Health (Division). It was noted that other licensees are subsidizing the work the Division does on programs for the treatment of domestic violence. It was noted that the fees would be used to cover the Division's costs to process applications, go out on inspections, and conduct complaint investigations. The fees cover the costs for the Division to run the domestic violence treatment program.

A third person asked if the fees are going to be charged per location or just per program. It was explained that the fees would be assessed per location. It was also explained that the fees would only be assessed on the programs and not on the providers or supervisors of treatment. It was noted that the fees include the costs associated with approving providers and supervisors of treatment.

In addition, notice was sent to all certified domestic violence treatment program providers, certified at the time of the notice distribution, and to one individual that has expressed interest in receiving this notice, requesting that all interested individuals complete the small business impact questionnaire. An email notice with a link to the small business impact questionnaire and proposed regulations was sent to those with an email address on file with DPBH and to the individual that expressed interest in receiving this information on January 30, 2024. The proposed regulations were also posted on DPBH's website.

One (1) response was received out of twenty-five (25) small business impact questionnaires distributed. The response was not related to the fees being assessed on programs for the treatment of domestic violence (LCB File No. R121-24) and instead was related to a topic addressed in LCB File No. R073-24.

CONSIDERATION OF FEEDBACK RECEIVED FROM PUBLIC WORKSHOPS

Although further information on the licensing fees was requested during the April 2, 2024, and July 31, 2024, public workshops, no testimony or written comments were provided indicating that the proposed fees would result in a financial hardship on industry.

As the proposed regulations will be used to cover the costs to certify and regulate programs for the treatment of domestic violence and there was no oral or written testimony indicating the proposed regulations would pose a financial hardship on industry, no modifications were made to the proposed regulations.

STAFF RECOMMENDATION

Staff recommends that the State Board of Health adopt the proposed regulation amendments to NAC 228, LCB File No. R121-24.

PRESENTERS

Leticia Metherell, RN, CPM, Health Program Manager III, Bureau of Health Care Quality and Compliance

**PROPOSED REGULATION OF THE
STATE BOARD OF HEALTH**

LCB File No. R121-24

July 10, 2024

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§ 1 and 2, NRS 439.150 and 439.200.

A REGULATION relating to domestic violence; establishing certain fees related to programs for the treatment of persons who commit domestic violence; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the State Board of Health to set reasonable fees for the programs and services of the Division of Public and Behavioral Health of the Department of Health and Human Services. (NRS 439.150) Existing law further requires the Division to: (1) certify programs for the treatment of persons who commit domestic violence; and (2) adopt regulations governing the certification of such programs. The regulations adopted by the Division must include allowing a program that is located in another state to become certified in this State to provide treatment to certain persons who commit domestic violence. (NRS 439.258)

Existing regulations set forth certain requirements for a program for the treatment of persons who commit domestic violence, including, without limitation, a program that is located in another state, to become certified by the Division. (NAC 228.100-228.104) **Section 1** of this regulation sets forth fees for: (1) an application for a certificate for a program; (2) an abbreviated application for a program to operate another program; (3) an application for the renewal of a certificate for a program; (4) a certificate for a program located in another state; and (5) the renewal of a certificate for a program located in another state.

Existing regulations require an organization that operates a program to notify the Division not later than 30 days after any change to the information submitted on the application for a certificate. (NAC 228.125) **Section 2** of this regulation requires an organization to submit a fee with the notification of a: (1) change in the ownership of the organization; (2) relocation of the program; or (3) change in the director of the program. **Section 2** further requires an organization to submit a late fee with the notification if the organization notifies the Division of any change to the information more than 30 days after the change occurred.

Section 1. Chapter 228 of NAC is hereby amended by adding thereto a new section to read as follows:

The Division shall charge and collect the following fees:

- 1. For an application for a certificate for a program submitted pursuant to subsection 1 of NAC 228.100.....\$598*
- 2. For an abbreviated application for a program to operate another program submitted pursuant to subsection 4 of NAC 228.100.....\$245*
- 3. For an application for the renewal of a certificate for a program submitted pursuant to NAC 228.130.....\$299*
- 4. For a certificate for a program located in another state submitted pursuant to NAC 228.104.....\$150*
- 5. For the renewal of a certificate for a program located in another state submitted pursuant to NAC 228.104.....\$75*

Sec. 2. NAC 228.125 is hereby amended to read as follows:

228.125 1. An organization that operates a program shall notify the Division in the form prescribed by the Division not later than 30 days after any change to the information submitted pursuant to NAC 228.100, including, without limitation:

- (a) A change in the ownership of the organization;
- (b) A change of the name of the program;
- (c) A relocation of the program;
- (d) The discontinuance of the program;
- (e) A change in the director of the program; or
- (f) A change in the phone number or electronic mail address of the program.

2. An organization that notifies the Division pursuant to paragraph (a), (c) or (e) of subsection 1 shall submit with the notification a fee of \$39.

3. In addition to any fees required by subsection 2, an organization that notifies the Division of any change to the information submitted pursuant to NAC 228.100 more than 30 days after any such change shall submit with the notification a late fee of \$39.

4. If an organization that operates a program is no longer in compliance with the provisions of NAC 228.010 to 228.275, inclusive, *and section 1 of this regulation* because the only supervisor of treatment, or the only provider of treatment, employed or retained at the program is no longer employed or retained at the program, the organization shall submit, within 10 days after the person ceases to be employed or retained, a written plan describing the actions the organization will take to regain compliance with the provisions of NAC 228.010 to 228.275, inclusive, *and section 1 of this regulation* within 90 days after submission of the written plan.

SMALL BUSINESS IMPACT STATEMENT
PROPOSED AMENDMENTS TO NEVADA ADMINISTRATIVE CODE (NAC) 228

The Division of Public and Behavioral Health (DPBH) has determined that the proposed amendment will have a direct financial impact on existing business. Currently there are no fees associated with certifying and regulating domestic violence treatment programs; therefore, these programs are supported by the licensure fees collected from licensed health care facilities. The proposed regulations establish fees to cover the operating costs to certify and regulate the domestic violence treatment programs. Although this will be a new cost for certified domestic violence treatment programs, it is anticipated that it will not be a significant burden on existing businesses and would not deter new businesses from opening. A small business impact questionnaire was sent out to all certified domestic violence treatment programs and there were no responses received indicating that the new fees would result in a financial burden to these programs. This may also have an indirect benefit on licensed health care facilities, as the health facility licensure fees currently being used to support certified domestic violence treatment programs, would be used to cover licensed health care facilities operating costs. The proposed regulations reduce the regulatory burden on industry by removing provisions of current regulations that are not necessary to effectively certify and regulate these programs.

In addition, the proposed regulations bring current regulations into conformance with Senate Bill 45 of the 2021 Legislative Session by removing requirements related to submitting domestic violence treatment program applications to the Committee on Domestic Violence for its recommendations.

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 three main reasons these proposed regulations are being moved forward are:

- 1) To bring the current regulations into conformance with Senate Bill 45 of the 2021 Legislative Session;
- 2) To carry out the Governor's Executive Order 2023-003 by removing provisions of regulations that are outdated or impose an unnecessary burden on business; and
- 3) To establish fees to certify and regulate certified domestic violence treatment programs in order to be able to cover the operating costs to carry out these duties without having licensure fees from health care facilities subsidize the operating costs to certify and regulate 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 (DPBH) has requested input from small businesses that may be affected by the proposed regulations.

Notice was sent to all certified domestic violence treatment program providers, certified at the time of the notice distribution, and to one individual that has expressed interest in receiving this notice, requesting that all interested individuals complete the small business impact questionnaire. An email notice with a link to the small business impact questionnaire and proposed regulations was sent to those with an email address on file with DPBH and to the individual that expressed interest in receiving this information on January 30, 2024. The proposed regulations were also posted on DPBH’s website.

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 (1 response was received out of 25 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 - 0	Yes – 0 No - 0	Yes – 0 No – 0	Yes – 0 No - 0
Comments:	Comments:	Comments:	Comments:

One response to the questionnaire was received via email asking if the removal of the provision “*Remove the requirement that the director of a program attest in writing that a person meets the requirements to be a supervisor or provider of treatment upon hire or for the purpose of retaining such persons*” would eliminate the experience requirements in regulations for a supervisor. A response was provided noting that the attestation statement being removed does not eliminate any requirements to become a supervisor, it only notes that upon hire you no longer have to attest that they meet all the requirements. A new supervisor or provider would need to

apply and obtain approval by DPBH before they can work as a supervisor or provider; therefore, eliminating the need for the attestation.

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

Division of Public and Behavioral Health
Bureau of Health Care Quality and Compliance
727 Fairview Drive, Suite E
Carson City, NV 89701
Leticia Metherell
Phone: 775-684-1045
Email: lmetherell@health.nv.gov

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

An analysis of industry input collected was conducted by a health program manager. The analysis involved analyzing feedback obtained from the small business impact questionnaire and review of the proposed regulations to help determine the economic impact to small business. Please see number 4 for the methods the agency considered to reduce the impact of the proposed regulations on small businesses. This information was then used to complete this small business impact statement including the conclusion on the impact of the proposed regulation on a small business found in number 8.

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 Beneficial Effects: Although no direct beneficial economic effects are anticipated, it is anticipated that the reduction in regulatory burdens may result in indirect beneficial effects.

Indirect Beneficial Effects: There was at least one instance in which a program was left without approved curriculum and instructional materials because the copyrighted material they were using was pulled from the program. The provision that a program has permission to utilize the curriculum and instructional materials while operational, may result in an economic beneficial effect by avoiding breaks in service and/or loss of certification for not having approved materials.

Reducing unnecessary regulatory burdens such as the requirement to use a form approved by the Division instead of allowing programs to develop forms that best fit their program to carry out the provisions of Section 6, removing the requirement that the director attest in writing that a new supervisor or provider of treatment meets the requirements to become a supervisor or provider, as applicable, and removing the requirement to submit proof of completion of continuing education hours with a renewal application (will be done via an audit system) should increase efficiencies and reduce regulatory burden; therefore, potentially saving time (salary costs).

Direct Adverse Effects: The direct adverse economic effect includes going from not paying any fees to become and maintain certification as a program for the treatment of domestic violence to paying the fees outlined in Section 3 of the proposed regulations.

Indirect Adverse Effects: Section 8 of the proposed regulations lists the fields of study that would be considered a “field of clinical human services” for the purposes of possessing a master’s or doctorate degree to satisfy the educational requirement to become a supervisor of treatment at a program. A supervisor who does not have a master’s or doctorate degree in one of the listed fields of study would no longer meet the educational requirement to be a supervisor, but they would meet the educational requirement to be a provider of treatment. This may or may not have a negative financial impact on an individual depending on their particular circumstances.

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 identified and used methods to reduce the impact of the proposed regulations on small businesses including setting reasonable fees to cover costs for application processing, inspections at an interval to help keep costs down, and to investigate complaints. The method of having an inspection interval in policy to keep costs down was implemented. A small business impact questionnaire was sent out to all certified domestic violence treatment programs and there were no responses received indicating that the new fees would result in a financial burden to these programs.

Certain sections, as noted below, were heard before the Board of Health on April 28, 2023.

- Text of Repealed Sections: NAC 228.101
- Section 5: NAC 228.102 (1) (b)
- Section 8: LCB File No. R071-20 Section 6 (10), (10) (a), and (10) (b)
- Section 9: LCB File No. R071-20, Section 7 (2)(d)(1), (2)(d)(2), (2)(d)(5) and (4)(b), (4)(b)(1) and (4)(b)(2)

There was no testimony heard at the Board of Health on April 28, 2023, addressing the specific sections noted above which were heard before the Board of Health. Testimony from one individual was heard recommending that the current regulations reduce the number of providers of treatment present during group counseling sessions from two providers to one provider. This small business impact statement reflects the impact of the proposed regulations being moved forward and not on current regulations that are not included in the proposed regulations.

A public workshop will be held allowing for further input by stakeholders regarding the proposed regulations and their impact. These comments will be taken into consideration for possible further revisions to the regulations to reduce the economic impact on programs.

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

The estimated cost to the agency for the enforcement of the proposed regulations is the amount of fees collected pursuant to number 6. It is anticipated that the Division would collect an estimated amount of \$10,166 per year to certify and regulate domestic violence treatment

programs. This is only an estimate, as existing programs may close and new programs may open, which would impact the amount of revenue collected.

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.

The total annual amount the Division expects to collect from renewal application is \$7,176 (24 actively certified programs X \$299). There are currently no out-of-state certified programs; therefore, no renewal fees are expected to be collected at this time for the renewal of a certificate by endorsement.

It is unknown how many new applicants will apply, how many certified programs will submit an application to operate an additional location, or how many certified programs will notify the Division of a change to their certificate, pursuant to Section 7; therefore, the revenue generated from these sources is unknown. Based on a three-year average of 5 new programs a year it is estimated to bring in \$2,990.

It is anticipated that the Division would collect an estimated amount of \$10,166 per year to certify and regulate domestic violence treatment programs. This is only an estimate, as existing programs may close and new programs may open, which would impact the amount of revenue collected.

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 other state or federal regulations addressing the same activity.

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

The reasons for Division's conclusion regarding the impact of a regulation on a small business is based on an analysis of the proposed regulations and whether or not they increased or decreased regulatory burden and on the responses received after sending out the small business impact questionnaire. Only one response was received out of the 25 questionnaires distributed and no one provided feedback indicating the proposed regulations would result in a negative financial impact on the industry; therefore, the conclusion is that although the proposed regulations will result in a negative financial impact on programs, they also reduce regulatory burden and increase efficiencies, without resulting in a significant negative financial impact.

Certification by Person Responsible for the Agency

I, Cody Phinney, 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: 2/26/2024

Joe Lombardo
Governor



Richard Whitley,
MS
Director



Cody Phinney,
MPH
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 to consider amendments to Nevada Administrative Code (NAC), Chapter 228.

The workshop will be conducted in-person, by phone and virtually beginning at 1:00 PM on April 2, 2024, via the following:

- [Join online using Microsoft Teams](#)
- Call in (audio only): 1-775-321-6111 (Phone Conference ID: 895 476 938#)
- Attend in person at:
 - Division of Public and Behavioral Health
Bureau of Health Care Quality and Compliance
727 Fairview Drive, Suite E
Carson City, NV 89701

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 proposed amendments to Nevada Administrative Code Chapter 228
3. General Public Comment

The proposed changes will revise Chapter 228 of the Nevada Administrative Code and are being proposed in accordance with LCB File No. R071-20, Nevada Revised Statutes (NRS) 439.150, NRS 439.200, NRS 439.258, and Senate Bill 45 of the 2021 Legislative Session.

The proposed regulations provide provisions for the following:

1. Clarify that only persons that provide domestic violence treatment services to persons ordered by a court must be certified by the Division of Public and Behavioral Health (DPBH) to provide such services. Others, such as licensed counselors, that provide domestic violence counseling to individuals not ordered by the court to receive such services, may provide such counseling without being certified, but have the option to receive such certification if all regulatory and statutory requirements are met.
2. Establish fees for the licensing and regulation of domestic violence treatment programs.
3. Require proof, acceptable to DPBH, that the program has the permission to utilize its curriculum and instructional materials for the duration of its operations.
4. Require a person who has submitted an incomplete application to submit missing information within 90 days after being notified of needing to provide such information.
5. Remove the prohibition to issue a provisional certificate due to not receiving a written recommendation of the Committee on Domestic Violence.

6. Remove the requirement that the form used to conduct a random sample of at least 10 percent of records of offenders receiving treatment and the group counseling session observations be on a form approved by DPBH.
7. Add a licensed counselor pursuant to Chapter 641C of NRS and an advanced practice registered nurse who practices psychiatry as one of the licensee types that would qualify as a supervisor of treatment.
8. Remove the requirement that the director of a program attest in writing that a person meets the requirements to be a supervisor or provider of treatment upon hire or for the purpose of retaining such persons.
9. Define the term “field of clinical human services” for the purposes of being employed, or retained as an independent contractor, in the position of a supervisor of treatment.
10. Remove the requirement that certain documents be included with the renewal application.
11. Remove information related to completed applications that are submitted via the United States Postal Services.
12. Repeal NAC 228.101 – Application: Provision to Committee, meeting of Committee to consider; transmittal of Committee’s recommendation to DPBH.

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 Leticia Metherell, Health Program Manager, at the following address:

Division of Public and Behavioral Health
727 Fairview Drive, Suite E
Carson City, NV 89701
775-684-1073 (fax)
lmetherell@health.nv.gov

Members of the public who require special accommodations or assistance at the workshop are required to notify Leticia Metherell in writing to the Division of Public and Behavioral Health, via fax, email or by mail using the information provided above, or by calling 775-684-1045 at least five (5) working days prior to the date of the public workshop.

You may contact Leticia Metherell by calling 775-684-1045 for further information on the proposed regulations or how to obtain copies of the supporting documents.

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:

Division of Public and Behavioral Health
727 Fairview Drive, Suite E
Carson City, NV

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

Division of Public and Behavioral Health
4220 S. Maryland Parkway, Suite 100, Bldg. A
Las Vegas, NV

A copy of the regulations and small business impact statement can be found on the [Division of Public and Behavioral Health’s Health Facilities Regulation Development web page linked here](#).

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
2. Nevada State Library and Archives, 100 Stewart Street, Carson City
3. Legislative Building, 401 S. Carson Street, Carson City
4. Southern Nevada Health District, 280 S Decatur Blvd, Las Vegas
5. Washoe County District Health Department, 9th St. and Wells Ave., Reno

Copies may be obtained in person, by mail, or by calling the Division of Public and Behavioral Health at (775) 684-1030 in Carson City or (702) 486-6515 in Las Vegas.

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.

Joe Lombardo
Governor



Richard Whitley,
MS
Director



Cody Phinney,
MPH
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 to consider amendments to Nevada Administrative Code (NAC), Chapter 228, LCB File No. R073-24 and LCB File No. R121-24.

The workshop will be conducted in-person, by phone and virtually beginning at 9:00 AM on July 31, 2024, via the following:

MICROSOFT TEAMS

[Join the meeting now](#)

- Call in (audio only): 1-775-321-6111 (Phone Conference ID: 384 591 737#)
- Attend in person at:
 - Division of Public and Behavioral Health
Bureau of Health Care Quality and Compliance
727 Fairview Drive, Suite E
Carson City, NV 89701

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 proposed amendments to Nevada Administrative Code Chapter 228, LCB File No. R073-24 and LCB File No. R121-24.
3. General Public Comment

The proposed changes will revise Chapter 228 of the Nevada Administrative Code and are being proposed in accordance with LCB File No. R071-20, Nevada Revised Statutes (NRS) 439.150, NRS 439.200, NRS 439.258, and Senate Bill 45 of the 2021 Legislative Session.

LCB File. No R073-24 proposed regulations, to be heard before the Division of Public and Behavioral Health, provide provisions for the following:

1. Clarify that only persons that provide domestic violence treatment services to persons ordered by a court must be certified by the Division of Public and Behavioral Health (DPBH) to provide such services. Others, such as licensed counselors, that provide domestic violence counseling to individuals not ordered by the court to receive such services, may provide such counseling without being certified, but have the option to receive such certification if all regulatory and statutory requirements are met.
2. Require proof, acceptable to DPBH, that the program has the permission to utilize its curriculum

- and instructional materials for the duration of its operations.
3. Require a person who has submitted an incomplete application to submit missing information within 90 days after being notified of needing to provide such information.
 4. Remove the prohibition to issue a provisional certificate due to not receiving a written recommendation of the Committee on Domestic Violence.
 5. Remove the requirement that the form used to conduct a random sample of at least 10 percent of records of offenders receiving treatment and the group counseling session observations be on a form approved by DPBH.
 6. Add an alcohol and drug counselor or clinical alcohol and drug counselor pursuant to Chapter 641C of NRS and an advanced practice registered nurse who practices psychiatry as one of the licensee types that would qualify as a supervisor of treatment.
 7. Remove the requirement that the director of a program attest in writing that a person meets the requirements to be a supervisor or provider of treatment upon hire or for the purpose of retaining such persons.
 8. Define the term “field of clinical human services” for the purposes of being employed, or retained as an independent contractor, in the position of a supervisor of treatment.
 9. Remove the requirement that certain documents be included with the renewal application.
 10. Repeal NAC 228.101 – Application: Provision to Committee, meeting of Committee to consider; transmittal of Committee’s recommendation to DPBH.

The proposed changes will revise Chapter 228 of the Nevada Administrative Code (LCB File. No. 121-24) and are being proposed in accordance NRS 439.150 , to be heard before the Board of Health, establish fees for the licensing and regulation of domestic violence treatment programs.

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 Leticia Metherell, Health Program Manager, at the following address:

Division of Public and Behavioral Health
727 Fairview Drive, Suite E
Carson City, NV 89701
775-684-1073 (fax)
lmetherell@health.nv.gov

Members of the public who require special accommodations or assistance at the workshop are required to notify Leticia Metherell in writing to the Division of Public and Behavioral Health, via fax, email or by mail using the information provided above, or by calling 775-684-1045 at least five (5) working days prior to the date of the public workshop.

You may contact Leticia Metherell by calling 775-684-1045 for further information on the proposed regulations or how to obtain copies of the supporting documents.

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:

Division of Public and Behavioral Health
727 Fairview Drive, Suite E
Carson City, NV

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

Division of Public and Behavioral Health
4220 S. Maryland Parkway, Suite 100, Bldg. A
Las Vegas, NV

A copy of the regulations and small business impact statement can be found on the [Division of Public and Behavioral Health's Health Facilities Regulation Development web page linked here](#).

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