

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
June 7, 2024
9:00 am to Adjournment**

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: 688 120 393#

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 9:00 am.

BOARD MEMBERS PRESENT:

Dr. Jon Pennell, DVM, Chair
Dr. Jeffrey Murawsky, MD, Vice Chair
Ms. Jennifer Belza- Vinuya
Dr. Monica Ponce
Mr. Nate Cartwright

BOARD MEMBERS EXCUSED:

Mr. Charles Smith

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

Chair Jon Pennell asked if there were any additions or corrections to the March 1, 2024, meeting minutes.

Chair Pennell asked that action items 5, 6, and 7 state clearly whether they were for approval or denial.

No other corrections were brought forward.

Chair Pennell asked for a motion to approve the March 1, 2024, meeting minutes for upload after corrections were made by administrative staff.

MOTION: Dr. Jeffrey Murawsky

SECOND: Nate Cartwright

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://dpbh.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://dpbh.nv.gov/uploadedFiles/dpbhnavgov/content/Boards/BOH/Meetings/2024/June%202024%20Wa%20shoe%20County%20District%20Health%20Officer%20Report.pdf>

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

Please see the report at the following link:

<https://dpbh.nv.gov/uploadedFiles/dpbhnavgov/content/Boards/BOH/Meetings/2024/06.07.2024.State.BoH.pdf>

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

Please see the report at the following link:

[https://dpbh.nv.gov/uploadedFiles/dpbhnavgov/content/Boards/BOH/Meetings/2024/Central%20Nevada%20Health%20District%20Health%20Officer%E2%80%99s%20Report%20\(2\)\(1\).pdf](https://dpbh.nv.gov/uploadedFiles/dpbhnavgov/content/Boards/BOH/Meetings/2024/Central%20Nevada%20Health%20District%20Health%20Officer%E2%80%99s%20Report%20(2)(1).pdf)

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

Please see the report at the following link:

<https://dpbh.nv.gov/uploadedFiles/dpbhnavgov/content/Boards/BOH/Meetings/2024/CMO%20Report%20to%20the%20BOH%20-%20June%202024.pdf>

There were no further verbal health office reports.

4. ACTION ITEM: Consent agenda for approval

Opening the consent agenda, Chair Pennell requested that item number 8 be moved onto the consent agenda and for item H on the consent agenda to be moved to a separate item. He asked the rest of the Board if there were any disagreements. None were heard and his request for changes followed through.

- a. Discussion and Possible Approval of Candidate Appointment of Paul Hamernik, Director of Nutrition at Sunrise Hospital/ Sodexo, to the Dietitian Advisory Group, pursuant to NAC 640E.300 – *Leticia Metherell, health Program Manager III, bureau of Health Care and Quality and Compliance, DPBH*
- b. Discussion and Possible Approval of Candidate Appointment of Tiara Flynn to the Nevada Office of Minority Health and Equity Advisory Committee, pursuant to (NRS) 202.482 – *Tina Dortch, Program Manager, Office of Minority Health and Equity, DHHS*

- c. Discussion and Possible Approval of Candidate Appointment of Flynn Reyes to the Nevada Office of Minority Health and Equity Advisory Committee, pursuant to (NRS) 202.482 – *Tina Dortch, Program Manager, Office of Minority Health and Equity, DHHS*
- d. Review and approval of updates to the Commission for the Accreditation of Birth Centers (CABC) Indicators of Compliance with Standards for Birth Centers, adopted by reference by LCB No. R062-21, Section 12. – *Leticia Metherell, Health Program Manager III, Bureau of Health Care Quality and Compliance, DPBH*
- e. Discussion and Possible Approval of Variance #762, regarding requirements of NAC 653.400, scope of practice for radiologist assistants and persons who hold licenses or limited licenses, section 653.400(1)(c), submitted by MedSmart – *John Follette, Manager, Radiation Control Program, DPBH*
- f. Discussion and Possible Approval of Variance #763 regarding requirements of NAC 459.556, approval to use a portable x-ray machine in lieu of a stationary x-ray machine to provide imaging services for professional sporting events such as the Women’s National Basketball Association (WNBA) held at the Michelob ULTRA Arena at Mandalay Bay Hotel and Casino in Las Vegas, Nevada, submitted by Desert Radiology – *John Follette, Manager, Radiation Control Program, DPBH*
- g. Discussion and Possible Approval of Variance #766 regarding requirements of NAC 446.421, requesting approval to permanently operate with only one restroom, despite having 40 seats at the restaurant, submitted by Grewal Enterprises dba Subway 720 – *Teresa Hayes, Health Program Manager III, Environmental Health Services Program, DPBH*
- h. Presentation and receipt of public comment on the Public Health and Health Services (PHHS) block grant initiatives public hearing – *Amber Hise, Health Program Manager II and Michelle Harden, Quality Improvement Manager, Chronic Disease Prevention and Health Promotion, DPBH.*
- i. Review and Approval of the Sunrise Compliance Agreement – *Steve Gerleman, Health Facilities Inspection Manager, Health Care Quality and Compliance Program, DPBH*

Chair Pennell called for public comment for the consent agenda.

None were heard.

Chair Pennell requested a motion to approve the items as stated in the consent agenda.

MOTION: Nate Cartwright

SECOND: Monica Ponce

PASSED: Unanimously

5. ACTION ITEM: Consideration and Possible Adoption of Proposed Regulation Amendments of Chapter 449 of Nevada Administrative Code (NAC), LCB File No. R004-24RP1, that revises LCB File No. R016-20AP, relating to cultural competency training (CCT) for employees of health care facilities by establishing new standards in accordance with AB267 of the 2023 legislative session – *Paul Shubert, Bureau Chief, Bureau of Health Care Quality and Compliance, DPBH.*

Deputy Attorney General, Gabriel Lither, explained that the Notice of Intent to Act did not have the proper link on it, therefore this item cannot be heard for this meeting. He did however state, that because there are many members of the public here for this item, that it will be acceptable to hear any public comment that may be had on this item.

Allison Jenko, Director of Nevada Government Relations for Dignity Health Saint Rose Dominican, started her public comment by thanking the Division or continuing to work with their team on their concerns for R004-24. She explains that her team appreciates the changes that have been made to the regulations, but they are requesting the Board adopt the regulation with one additional change to mitigate what will be a significant financial and administrative burden on the medical facilities required to provide training under the 2023 legislation, including Saint Rose. She says that Saint Rose currently administers a self-

developed training program which was the first to receive approval by the State of Nevada, based on its comprehensive coverage of all required elements for cultural competency training within a 90-minute time frame. Allison says she believes this program should not be deemed insufficient simply because it is delivered efficiently in less than two hours at Saint Rose. They are requesting the board adopt the regulation with the proposed amendment included in the regulation packet. Allison closes out by saying that by adopting this amendment, it will save Saint Rose, and other medical facilities, from the significant financial burden associated with redeveloping an already approved program.

Escenthio Marignyjr, a representative of High Sierra, explains that as training providers, his team has been proponents of the cultural competency training. He explains that they have been concerned with some of the changes in terms of maintaining the integrity of training, being able to have time to train all of the cultural competency areas as required under law, but as an organization, also having to be flexible and understanding towards the needs of practitioners and facilities with the challenges that are payment and time.

Escenthio explains that his team's biggest priority is maintaining the integrity of the teachings of cultural competency, but they are also interested in being flexible and adaptable to the changes being requested.

Deputy Attorney General Gabriel Lither thanked everyone for their public comment and told the Board that this Regulation can be heard at the next meeting.

This agenda item was pulled and tabled for a later meeting with no further comments.

6. ACTION ITEM: Discussion and Possible Approval of Variance #757 regarding requirements of NAC 444.790 and NAC 444.786, requesting approval to be removed from a community cluster system and install an Individual Sewage Disposal System (ISDS), submitted by Vera Tilley – *Teresa Hayes, Health Program Manager III, Environmental Health Services Program, DPBH.*

Teresa Hayes, Program Manager for the Environmental Health Services Program, states she is here today to respectfully ask the Board to deny the variance placed by Vera Tilley to install an individual sewage system on her lot. Teresa explains that the residence is currently working on a cluster system which supports six to eight homes in her neighborhood. Miss Tilley's concern is that further subdivision and addition of new homes puts undue strain on the system, which may cause back up onto her lot. Teresa says that Vera Tilley has stated that the financial agreement between the owner and the system is unfair, therefore, she would like placement of her own system. Teresa explains the measurements of the lot and the placement of two wells creating no room for proper placement of an individual sewage system. Teresa informs the board that by allowing the applicant to place an individual system, it could lead to groundwater contamination. She expresses the concerns of the division by stating that granting this variance could cause substantial detriment of public health. This concludes Teresa Hayes' testimony.

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

None was heard.

Chair Pennell requested a motion to deny the variance as stated.

MOTION: Dr. Jeffrey Murawsky

SECOND: Nate Cartwright

PASSED: Unanimously

7. ACTION ITEM: Discussion and Possible Approval of Variance #758 regarding requirements of NAC 450B.384, to expand the scope of practice for Emergency Medical Technicians, after successful training to be allowed to perform Intravenous Therapy (IV's), Intraosseous Vascular Access (IO), Laryngeal Mask Airway (LMA) and glucose screening test, submitted by REMSA/Scott Johnson – Bobbie Sullivan, Program Manager, Emergency Medical Services Program, DPBH

Deputy Attorney General, Gabriel Lither, indicates that the members of the Board received only the staff memo and not the application, which is usually preferred when viewing variance requests. He explains that it is his understanding that it is helpful but not necessary. He leaves it up to the Board whether or not they believe this is sufficient information based on what has been provided to the members.

Chair Pennell explains that he would like Bobbie Sullivan to continue with her presentation and he will ask the Board at the end of they feel they have sufficient information regarding this variance.

Bobbie Sullivan, Emergency Medical Services Program Manager, introduces herself and explains that this variance was placed by Scott Johnson on behalf of REMSA. This variance would allow emergency medical technicians, after successful training, to be allowed to perform interosseous therapy, Interosseous vascular access, laryngeal mask, airway, and glucose screening. Bobbie explains that the current scope of practice does not allow for IV, IO, or LMA, as a skill at the EMT level. She says that EMT is an entry level into prehospital care and is considered to have minimal knowledge and minimal range of skills or tasks with simple breadth and depth. The Advanced- EMT level is described as having fundamental breadth and depth with elemental knowledge and increased range of skills or tasks. It is knowing that adding IV, IO, and LMA as skills to improve EMT providers is not standard in the national scope of practice, as explained by the agency. Bobbie says that giving different skill sets to different levels could create unnecessary confusion and that it could create a possible delay of care.

Based on the information given, Bobbie says that her program recommends that the Board of Health deny variance #758 for Scott Johnson on behalf of REMSA.

Dr. Jeffrey Murawsky expresses his agreement with the EMS Program that this does not seem necessary and could create a vast amount of confusion.

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

None were heard.

Chair Pennell requested a motion to deny Variance #758 as stated.

MOTION: Dr. Jeffrey Murawsky

SECOND: Nate Cartwright

PASSED: Unanimously

8. ACTION ITEM: Discussion and Possible Approval of Variance #764 regarding requirements of NAC 449.3154, requesting the requirement of clearances between patient care stations with regards to aisle widths, submitted by Renown South Meadows Medical Center. – Michael Kupper, Health Facilities Inspector, Health Care Quality and Compliance, DPBH

This item was removed from the consent agenda and added as an item. This item was also taken out of order and heard after the consent agenda.

Dr. Murawsky made a comment saying that he is required by an NRS to disclose a conflict of interest with Sunrise Hospital as it is his place of employment. He explains that he will be abstaining from voting in this item.

Steve Gerleman introduced himself to the Board and explained the hopes behind Variance #764. He explained that the single patient rooms are located in Sunrise Hospitals newest tower on the 3rd and 4th floor. Steve says that the single patient rooms that are used for airborne, infection, isolation, and disability will remain as single patient rooms.

Steve expresses that the need for the use of the single patient bedrooms would be strictly for sleeping, instead of temporary alternative locations within the hospital, wherein up to 18 patients were in a large single room, sleeping in lounge chairs.

Steve explains that there is two factors that precipitated the current patient placement congestion, one being the seasonal flu influx of patients, along with the facility is undergoing construction to increase future patient accommodations.

He says that a majority of the patient overcrowding is related to the Emergency Medical Treatment and Labor Act, also known as EMTALA. This act requires a hospital capable of treating patients, can not turn them away. They must stabilize and transfer to a higher level of care, if necessary. Steve adds that this act does not have any flexibility when the hospital needs to make concurrent physical construction changes. Sunrise Hospital is requesting this variance temporarily, through May 2025, as construction should be completed by that time.

Steve Gerleman completed his presentation and asked the Board members for questions.

Chair Jon Pennell asked for comments from the Board and the Public.

None were heard.

Chair Jon Pennell requested a motion to approve Variance #764 as stated.

MOTION: Nate Cartwright

SECOND: Dr. Monica Ponce

ABSTENTION: Dr. Jeffrey Murawsky

PASSED: Unanimously

9. INFORMATIONAL ITEM: Presentation of the 2023 Sentinel Events Registry Summary Report according to NRS 439.843 – Jesse Wellman, Biostatistician II, Office of Analytics, DHHS
Please see the presentation at the following link:

https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fdpbh.nv.gov%2FuploadedFiles%2Fdpbhnvgov%2Fcontent%2FBoards%2FBOH%2FMeetings%2F2024%2F2024%2520SER_for_CY2023_BOH_Presentation_June2024%2520FINAL.pptx&wdOrigin=BROWSELINK

10. ACTION ITEM: Recommendations for future agenda items – *State Board of Health Members*

11. 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.

12. ADJOURNMENT – Jon Pennell, Chair

Chair Pennell adjourned the meeting at 10:45 a.m.