

NOTICE OF PUBLIC HEARING

Intent to Adopt Regulations
(LCB File No. R133-18)

NOTICE IS HEREBY GIVEN that the State Board of Health will hold a public hearing to consider amendments to Chapter 449 of Nevada Administrative Code (NAC), Medical Facilities and Other Related Entities, LCB File No. R133-18. This public hearing is to be held in conjunction with the State Board of Health meeting on December 7, 2018.

The State Board of Health will be conducted via videoconference beginning at 9:00 a.m. on Friday, December 7, 2018 at the following locations:

Division of Public and Behavioral Health 4150 Technology Way Room #303 Carson City, NV 89706	Grant Sawyer Office Building 555 E. Washington Ave. Las Vegas, NV 89101
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The proposed changes to NAC 449, LCB File No. R133-18, include the following:

- Health care providers that deliver or provide medical services to an infant in a hospital or obstetric center and know or have reasonable cause to believe that the infant has been affected by a fetal alcohol spectrum disorder or prenatal substance abuse or is experiencing withdrawal symptoms resulting from in utero drug exposure, the hospital or obstetric center shall ensure a comprehensive addiction and recovery act (CARA) plan of care is in place prior to or upon the infant’s discharge.
- Requires a copy of the CARA plan of care to be provided to each parent or legal guardian of the infant, or both, if applicable, upon discharge, and to the Division within 24 hours after the infant is discharged from the hospital or obstetric center and requires the Division to monitor the CARA plan of care.
- All hospitals (with specific exceptions) must be primarily engaged in providing the services described in 42 U.S.C. § 1395x(e)(1) to inpatients.
- Hospital operators (with specific exceptions) must within 12 months of obtaining a state license submit proof to the Division of Public and Behavioral Health that the hospital has been deemed to meet the Centers for Medicare and Medicaid Services standards by an accrediting organization approved by the Centers for Medicare and Medicaid Services. This accreditation must be maintained so long as the hospital is licensed in Nevada. (This change does not apply to hospitals currently licensed by the state that obtained initial licensure on or prior to adoption of these regulations.)

- Provide for the security of, and accountability for, the personal effects of a patient who is transferred to another facility.
- Redefines NAC 449.289 “Inpatient” and NAC 449.297 “Outpatient.”

1. Anticipated effects on the business which NAC 449 regulates:

- A. *Adverse effects*: There are no anticipated adverse financial effects to small businesses.
- B. *Beneficial*: There are no anticipated beneficial financial effects to small businesses.
- C. *Immediate*: There are no anticipated immediate financial effects to small businesses.
- D. *Long-term*: There are no anticipated long-term financial effects to small businesses.

2. Anticipated effects on the public:

- A. *Adverse*: There are no anticipated adverse effects to the public.
- B. *Beneficial*: Beneficial effects to the public includes the development of CARA plans of care for infants born with a fetal alcohol spectrum disorder, affected by substance abuse or experiencing symptoms of withdrawal from a drug as a result of exposure to the drug in utero, to ensure the infant and the infant’s family or caregiver receives any necessary services to ensure the safety and needs of the infant are met.
- C. *Immediate*: Upon passage of the regulations, CARA plans of care will be required to be developed in accordance with the regulations and to be monitored by the Division to ensure that the infant to whom the plan pertains and his or her family or caregiver are receiving appropriate services.
- D. *Long-term*: Infants and their family or caregivers will continue to receive services to meet the needs of the infant.

3. No costs are anticipated to the Division of Public and Behavioral Health for enforcement of the proposed regulations. The workload created by these proposed regulations, requiring the Division to monitor CARA plans of care, will be absorbed into the Division’s existing workload; therefore, no additional costs to carry out the proposed regulations is anticipated at this time.

There are no other state regulations addressing the same activity. Although there is a federal Comprehensive Addiction and Recovery Act (CARA), Public Law 114-198, the federal law requires that a State plan address the health and substance use disorders (SUD) treatment needs of the infant; therefore, the proposed regulations do not duplicate federal law but instead helps to carry it out.

Although Centers for Medicare and Medicaid Services (CMS) federal regulations do address inpatient services and CMS standards, CMS certification is a voluntary program; therefore, state regulations are required to cover any hospitals that may chose not to become CMS certified.

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, Julie Kotchevar, to be received no later than November 29, 2018 at the following address:

Secretary, State Board of Health
Division of Public and Behavioral Health
4150 Technology Way, Suite 300
Carson City, NV 89706

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
727 Fairview Drive, Suite E
Carson City, NV 89701

Nevada State Library
100 Stewart Street
Carson City, NV 89701

Nevada Division of Public and Behavioral Health
4220 S. Maryland Parkway, Suite 810, Building D
Las Vegas, NV 89119

A copy of the regulations and small business impact statement can be found on-line by going to:
http://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 (775) 684-1030 in Carson City or (702) 486-6515 in Las Vegas.

Copies may also be obtained from any of the public libraries listed below:

Carson City Library
900 North Roop Street
Carson City, NV 89702

Churchill County Library
553 South Main Street
Fallon, NV 89406

Clark County District Library
1401 East Flamingo Road
Las Vegas, NV 89119

Douglas County Library
1625 Library Lane
Minden, NV 89423

Elko County Library
720 Court Street
Elko, NV 89801

Esmeralda County Library
Corner of Crook and 4th Street
Goldfield, NV 89013-0484

Eureka Branch Library
80 South Monroe Street
Eureka, NV 89316-0283

Henderson District Public Library
280 South Green Valley Parkway
Henderson, NV 89012

Humboldt County Library
85 East 5th Street
Winnemucca, NV 89445-3095

Lander County Library
625 South Broad Street
Battle Mountain, NV 89820-0141

Lincoln County Library
93 Maine Street
Pioche, NV 89043-0330

Lyon County Library
20 Nevin Way
Yerington, NV 89447-2399

Mineral County Library
110 1st Street
Hawthorne, NV 89415-1390

Pahrump Library District
701 East Street
Pahrump, NV 89041-0578

Pershing County Library
1125 Central Avenue
Lovelock, NV 89419-0781

Storey County Library
95 South R Street
Virginia City, NV 89440-0014

Tonopah Public Library
167 Central Street
Tonopah, NV 89049-0449

Washoe County Library
301 South Center Street
Reno, NV 89505-2151

White Pine County Library
950 Campton Street
Ely, NV 89301-1965

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.