

Steve Sisolak
Governor



Richard Whitley, MS
Director

**DEPARTMENT OF
HEALTH AND HUMAN SERVICES**
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH
Helping people. It's who we are and what we do.



Lisa Sherych
Administrator

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

NOTICE OF PUBLIC HEARING

Intent to Adopt Regulations
(LCB File No. R088-20RP1)

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 March 4, 2022.

The State Board of Health will be conducted virtually beginning at 9:00 AM on March 4, 2022, at the following locations:

Join Zoom Meeting

<https://zoom.us/j/92537552135?pwd=aEQzR3BCMGJXL1Z6UnJkU21EcWVpdz09>

Meeting ID: 925 3755 2135

Passcode: 818303

Dial by your location

+1 669 900 9128 US (San Jose)

833 548 0276 US Toll-free

Meeting ID: 925 3755 2135

Passcode: 818303

Find your local number: <https://zoom.us/u/aciOVuG6ex>

The proposed changes to NAC Chapter 442 include the following:

- Details processes by which the State Public Health Laboratory (SPHL) can request information and payment related to laboratory and non-laboratory tests and examinations
- Specifies how the SPHL and primary care physicians will share relevant information and examination and testing results and ensure proper referral and care for infants suspected of or diagnosed with specific preventable or inherited conditions
- Details specific blood sample processes and standardized criteria by amending NAC 442.044

- Creates a means by which the SPHL can detail a public process by which fees can be changed, includes examinations and non-laboratory tests related to newborn screening needed as part of diagnostic screening for all required conditions, and
- Establishes clear processes for parental or guardian information sharing and referral and care transition from SPHL and health care providers and for information sharing to the Department of Health and Human Services Chief Medical Officer and local health officers.

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

- A. *Adverse effects:* Adverse effects to businesses in the State of Nevada include the pathway the regulation develops to create a public hearing process for fee increases which could result in a higher fee and introduces a means to require payment either at the time of newborn screening kit purchase or at the time of testing.
- B. *Beneficial:* Beneficial effect to businesses in the State of Nevada include the creation of a transparent process with public hearing for increases to the SPHL fee for newborn screening and for discussion of any additions to the newborn screening conditions.
- C. *Immediate:* As soon as the proposed regulation becomes effective it would allow for a public hearing process for fee increases and newborn screening condition additions available to businesses in the State of Nevada.
- D. *Long-term:* Long-term beneficial effects to businesses in the State of Nevada include a public hearing process for fee increases and newborn screening condition additions to newborn screening.

2. Anticipated effects on the public:

- A. *Adverse:* Adverse effects to the public in the State of Nevada include information provided to require parent or guardian follow up in relation to positive test results or diagnosis for health care providers which might increase the length and possible cost of a visit. Sharing of primary care physician recommendations for parental genetic testing might lead to a charge which may or may not be covered by parental insurance.
- B. *Beneficial:* Beneficial effects to the public in the State of Nevada include allowing for a public process by which additions to the newborn screening panel could be made which is of benefit for families and advocates in the public of the State of Nevada for specific diseases on the Recommended Universal Screening Panel. Information required to be shared in the regulation with parents and guardians and required follow up referrals and examinations benefit the public in the State of Nevada by improving medical outcome of diagnosed infants and linking them to appropriate treatment in a timely manner.
- C. *Immediate:* As soon as the proposed regulations become effective it would allow for a public process by which additions to the newborn screening panel could be made which is of benefit for families and advocates in the public of the State of Nevada for specific diseases on the Recommended Universal Screening Panel. Information required to be shared in the regulation with parents and guardians and required follow up referrals and examinations benefit the public in the State of Nevada by improving medical outcome of diagnosed infants and linking them to appropriate treatment in a timely manner.
- D. *Long-term:* Long-term beneficial effects to the public in the State of Nevada include a public process

by which additions to the newborn screening panel could be made which is of benefit for families and advocates in the public of the State of Nevada for specific diseases on the Recommended Universal Screening Panel. Information required to be shared in the regulation with parents and guardians and required follow up referrals and examinations benefit the public in the State of Nevada by improving medical outcome of diagnosed infants and linking them to appropriate treatment in a timely manner.

3. There is no estimated cost to the Division of Public and Behavioral Health for enforcement of the proposed regulations. There are no fees to the Division related to enforcement currently set in regulations to cover costs to enforce the proposed regulations.

The proposed regulations do not overlap or duplicate any other Nevada state 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, Lisa Sherych, to be received no later than February 23, 2022, 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:

Division of Public and Behavioral Health
4150 Technology Way, Suite 210
Carson City, NV 89706

A copy of the regulations and small business impact statement can be found on-line by going to:
[https://dpbh.nv.gov/Programs/Maternal, Child and Adolescent Health \(MCH\)/](https://dpbh.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) 684-1030 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

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

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

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.