

Steve Sisolak
Governor
Richard Whitley, MS
Director



DEPARTMENT OF
HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH
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Lisa Sherych
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. R079-22)

NOTICE IS HEREBY GIVEN that the State Board of Health will hold a public hearing at 9:00 a.m. on September 2, 2022, in conjunction with the State Board of Health meeting. The purpose of the hearing is to receive comments from all interested persons regarding the Amendment of regulations that pertain to Chapter 450B of Nevada Administrative Code (NAC), Emergency Medical Services.

The State Board of Health will be conducted via videoconference beginning at 9:00 a.m. on Friday, September 2, 2022, at the following locations:

<p>Nevada Division of Public and Behavioral Health (DPBH) Hearing Room No. 303, 3rd Floor 4150 Technology Way Carson City, NV 89706</p>	<p>Rawson-Neal Psychiatric Hospital Training Room B (193) 1650 Community College Drive Las Vegas, NV 89146</p>
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Video Attendance: [Click here for the Teams Video Conference Link](#)

Or call in (audio only)
+1 775-321-6111
Phone Conference ID: 655 825 021#

The following information is provided pursuant to the requirements of NRS 233B.0603.

The changes to NAC 450B in LCB File No. R079-22 are to remove obstacles for advancement that now longer serve the public's best interest and include the following changes:

- Proposed new regulations removing the advanced emergency medical technician the requirement.

1. Anticipated effects on the business which NAC 450B regulates:

- Adverse effects:* None. The proposed regulations will produce negligible impact on small businesses.

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- B. *Beneficial*: None reported.
 - C. *Immediate*: None reported.
 - D. *Long-term*: None reported.
2. Anticipated effects on the public:
- A. *Adverse*: None.
 - B. *Beneficial*: Better trained emergency staff
 - C. *Immediate*: Better trained emergency staff
 - D. *Long-term*: Better trained emergency staff
3. The seven (7) responses were reviewed manually for positive and negative impacts upon small business. All seven (7) indicated no negative nor positive direct impact. All seven indicated no negative indirect impact. Six of the seven response indicated an indirect benefit.
4. There is no anticipated cost to the agency for enforcement of the proposed regulations.
5. The proposed regulations do not overlap or duplicate state, federal or other law or regulation.
6. The proposed regulations do not establish a new fee or increase an existing fee.

Persons wishing to comment upon the proposed action of the Board of Health may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to the Board's Secretary, Lisa Sherych, no later than August 24, 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, 8 ½" x 11" 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.

If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Board of Health may proceed immediately to act upon any written submissions

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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
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:
<https://dpbh.nv.gov/Reg/EMS/EMS-home/>

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 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.

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

LCB File No. R079-22

August 1, 2022

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

AUTHORITY: § 1, NRS 439.150, 450B.120, 450B.130, 450B.200 and 450B.900; § 2, NRS 450B.120, 450B.155, 450B.191 and 450B.195.

A REGULATION relating to emergency medical services; revising procedure governing the inspection of ambulances, air ambulances and agency's vehicles; revising requirements concerning the training of advanced emergency medical technicians and paramedics; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Health to adopt regulations governing the provision of emergency medical services in counties with a population of less than 700,000. (NRS 450B.060, 450B.120) Existing law requires a service that provides emergency medical services in such a county to obtain a permit from the Division of Public and Behavioral Health of the Department of Health and Human Services to operate an ambulance, air ambulance or agency's vehicle. (NRS 450B.200) Existing regulations require the Division to inspect or cause to be inspected each ambulance, air ambulance or agency's vehicle after a permit is issued but before the ambulance, air ambulance or agency's vehicle is placed into service. (NAC 450B.640). **Section 1** of this regulation requires a service to request such an inspection at least 10 business days before placing an ambulance, air ambulance or agency's vehicle into service. **Section 1** provides that the Division may authorize a service to operate an ambulance, air ambulance or agency's vehicle that has not been inspected for not more than 60 days if the service attests that the ambulance, air ambulance or agency's vehicle complies with applicable regulations. If the Division identifies a deficiency during the inspection of the ambulance, air ambulance or agency's vehicle, **section 1** authorizes the Division to order the service to remove the ambulance, air ambulance or agency's vehicle from service. **Section 1** further prescribes the conditions under which the service may bring the ambulance, air ambulance or agency's vehicle back into service. Finally, **section 1** removes obsolete references to past dates.

Existing law provides for the certification of emergency medical technicians, advanced emergency medical technicians and paramedics. (NRS 450B.1905, 450B.191, 450B.195) Existing regulations require a person to be certified as: (1) an emergency medical technician before receiving training for certification as an advanced emergency medical technician; and (2) an advanced emergency medical technician before receiving training for certification as a paramedic. (NAC 450B.720) **Section 2** of this regulation revises this requirement to authorize a certified emergency medical technician to receive training for certification as a paramedic.

Section 2 also provides that a person who is not certified as an emergency medical technician before the first day of training for certification as an advanced emergency medical technician or paramedic is ineligible to be tested for such certification after completing the training.

Section 1. NAC 450B.640 is hereby amended to read as follows:

450B.640 1. The Division shall ~~inspect~~ :

(a) *Inspect* or have inspected every ambulance, air ambulance configured to be used for providing medical services or agency's vehicle to be used in a service after the issuance of a permit but , *except as otherwise provided in subsection 3*, before it is placed in service ~~it~~ ; and ~~shall determine~~

(b) *Determine* whether or not it complies with the requirements of this chapter.

2. *At least 10 business days before entering an ambulance, air ambulance or agency's vehicle into service, a service shall submit to the Division a request for an inspection of the ambulance, air ambulance or agency's vehicle, as applicable.*

3. *The Division may authorize a service to operate an ambulance, air ambulance or agency's vehicle that has not been inspected for not more than 60 days if the service attests in the form prescribed by the Division that the ambulance, air ambulance or agency's vehicle complies with the requirements of this chapter. If the Division identifies any deficiency during the inspection, the Division may order the service to immediately remove the ambulance, air ambulance or agency's vehicle from service. The Division may authorize the service to enter the ambulance, air ambulance or agency's vehicle back into service if:*

(a) *The service corrects each deficiency identified in the inspection;*

(b) *The Division conducts a reinspection of the ambulance, air ambulance or agency's vehicle and verifies that the requirements of paragraph (a) have been met; and*

(c) *The service has paid all fees associated with the reinspection.*

4. After a permit is issued for the operation of an ambulance or air ambulance service, the Division shall, at least once a year, inspect or cause to be inspected every ambulance, air ambulance or agency's vehicle operated in the service. After each inspection pursuant to NRS 450B.220 and this section, the inspector shall prepare a written report describing any violation of any provisions of this chapter with respect to the unit or aircraft inspected and shall schedule a date for reinspection after correction of the violation within 4 weeks after the violation was noted. For each ambulance, air ambulance or agency's vehicle that is reinspected, the Division shall collect the fee prescribed in NAC 450B.700.

~~13.1~~ 5. The inspector shall give a copy of the report to the holder of the permit for the service inspected.

~~14.1~~ 6. If, upon reinspection, an inspector determines that a violation has not been corrected, the Division shall impose against the service an administrative penalty of ~~1~~

~~—(a) For a reinspection conducted on or after January 27, 2017, and before July 1, 2018, \$200;~~

~~—(b) For a reinspection conducted on or after July 1, 2018, and before July 1, 2019, \$300; and~~

~~—(c) For a reinspection conducted on or after July 1, 2019, 1~~ \$500 ~~1~~

~~1~~ for each violation that has not been corrected.

Sec. 2. NAC 450B.720 is hereby amended to read as follows:

450B.720 1. The Division shall, within the limits of its appropriated money, conduct or contract with other persons to conduct the programs of training necessary to bring each service, including a volunteer service, and each attendant into compliance with the requirements of this chapter for training.

2. Except as otherwise provided in subsection 5, a person proposing to conduct a program within this state for training for certification issued under this chapter must apply to the Division

for approval at least 20 working days before the program is to begin. The Division shall not issue a certificate of completion of the program to any trainee unless the Division has approved the program. The person conducting the program shall not start the program until approval by the Division has been granted.

3. The Division shall not issue retroactive approval for a program which has been conducted without its approval.

4. Except as otherwise provided in subsection 5, curriculum and procedures for testing submitted as part of a request for approval of a program must not be changed after approval has been granted for the program except upon prior written approval from the Division. The proposed change or modification, with an alternative acceptable to the Division, must be submitted in writing to the Division not less than 15 working days before the effective date of the use of the changed or modified curriculum or test.

5. The provisions of subsections 2 and 4 do not apply to a program of continuing education offered by a training center.

6. Conferences, online courses and continuing education that are approved by the Commission on Accreditation for Pre-Hospital Continuing Education or the Division are deemed to qualify for use to satisfy the requirements of this chapter relating to training for the renewal of a license or certificate if the conference, online course or continuing education is appropriate to the license or certificate.

7. A person who conducts a program of training shall retain documentation of courses completed by students for at least 5 years after the date on which the course was completed.

8. A person must:

(a) Be certified as an emergency medical technician before receiving training for certification as an advanced emergency medical technician ~~f~~.

~~(b) Be certified as an advanced emergency medical technician before receiving training for certification as a~~ *or* paramedic.

~~f(e)~~ *(b)* Maintain the certification described in paragraph (a) ~~for (b), as applicable,~~ until the completion of training for certification as an advanced emergency medical technician or paramedic, as applicable.

9. A person who does not meet the requirements of paragraph (a) of subsection 8 on the first day of a program of training for certification as an advanced emergency medical technician or paramedic is ineligible to be tested for certification upon completing the program of training.

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SMALL BUSINESS IMPACT STATEMENT 2022

PROPOSED AMENDMENTS TO Nevada Administrative Code (NAC) Chapter 450B

The Division of Public and Behavioral Health (DPBH) has determined that the proposed amendments should not have any adverse effect upon a small business or negatively impact the formation, operation or expansion of a small business in Nevada.

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 DPBH determined that existing Nevada Administrative Code (NAC) Chapter 450B needed to be reviewed with regulation additions and changes proposed. Current regulation requires a person to be certified as an advanced emergency medical technician prior to receiving training for certification as a paramedic. However, in light of the dramatic changes that the emergency medical services industry has undergone in the past several years, experiencing attrition in the prehospital setting, the need for paramedics has increased substantially. The draft regulations remove the prerequisite that a student must first be certified as an advanced emergency medical technician in order to take a paramedic course. This change will remove a barrier which causes delay to entering into a paramedic course.

Additionally, existing regulations mandate inspection of all vehicles operating under a permit, prior to use. The proposed changes to NAC Chapter 450B would allow, under certain circumstances, an agency to attest to a vehicle meeting requirement be placed into service until an inspection can be completed by DBPH staff but not for more than 60-days.

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), DPBH has requested input from stakeholders, small businesses, and the users of the ImageTrend system.

A Small Business Impact Questionnaire was sent to users of the ImageTrend License Management System along with a copy of the proposed regulation changes on June 1, 2022.

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? If so, please indicate the estimated dollar amount(s) you believe the adopted regulations will cost you over one calendar year with a brief explanation as to how the dollar amount was calculated.
- 3) Will the regulation(s) have any beneficial effect upon your business? If so, please include any cost savings you believe the adopted regulations will save you over one calendar year with an estimated dollar amount if applicable.
- 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 (7 responses were received out of 7,582 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?
0 - Yes 7 - No 0 - Unknown	0 - Yes 7 - No 0 - Unknown	0 - Yes 7 - No 0 - Unknown	1 - Yes 6 - No 0 - Unknown

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

The small business impact questionnaire was distributed to 7,582 small businesses. Analysis was conducted by reviewing each submitted response.

2) 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.

There is no estimated economic effect of the proposed regulations on small business.

3) 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 DPBH received seven (7) responses via email with four (4) questionnaires included in the e-mail. One e-mail had a concern about limited experience of an emergency medical technician moving to a paramedic

course. The respondent is not a training center and does not offer paramedic courses. Each email was acknowledged with an email response will be taken into consideration for possible further revisions to the regulations to reduce the economic impact on facilities.

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

There is no anticipated cost to the agency for enforcement of the proposed regulations.

5) 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.

There are no fee increases.

6) An explanation of why any duplicative or more stringent provisions than federal, state or local standards regulating the same activity are necessary.

At this time, there are no duplicative or more stringent provisions than federal, state or local standards.

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

The agency concludes the proposed regulations will produce negligible impact on small businesses and no economic impact on small businesses. Most of the proposed changes provide additional clarification to existing regulations while adding or updating others to current industry standards and practices. DPBH developed regulations that would not be unduly burdensome on small business. Overall, small businesses in the State of Nevada appear not to be impacted by the proposed regulations.

Any other persons interested in obtaining a copy of the summary may email, call, or mail in a request to Bobbie Sullivan at the Division of Public and Behavioral Health at:

Division of Public and Behavioral Health
Emergency Medical Systems Office
Attn: Bobbie Sullivan, Manager
4126 Technology Way, Suite 100
Carson City, NV 89706
Phone: 775-753-1128
Email: bsullivan@health.nv.gov

Certification by Person Responsible for the Agency

I, Lisa Sherych, 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: 7/6/2022

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NOTICE OF PUBLIC WORKSHOP

NOTICE IS HEREBY GIVEN, the Nevada Division of Public and Behavioral Health will hold a public workshop to consider amendments to Nevada Administrative Code (NAC) 450B – Emergency Medical Services. The workshop will be conducted on site and videoconference beginning at **9:00 am on July 25, 2022**, at the following locations:

Division of Public and Behavioral Health 4150 Technology Way Room 303 Carson City, Nevada 89706	Division of Public and Behavioral Health 2080 E. Flamingo Road Suite 319 Las Vegas, Nevada 89119
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These workshops will be conducted in accordance with NRS 241.020, Nevada's Open Meeting Law. The proposed addition/change of regulations in LCB File No. R079-22: (a second "R" # is pending LCB review)

- Remove the requirement to be a certified Advanced EMT to take the Paramedic Program
- Allowing for inspection and attestation under certain circumstances

AGENDA

1. Introduction of workshop process
2. Presentation on the 2022 proposed regulations in LCB File No. R079-22 for NAC 450B – Emergency Medical Services and the Small Business Impact Statement.
3. Public Comment Regarding proposed changes to NAC Code 450B.
4. Adjournment.

A copy of the 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. Emergency Medical Systems, 1020 Ruby Vista Drive, Ste. 102, Elko
4. Southern Nevada Health District, 280 S Decatur Blvd, Las Vegas
5. Washoe County District Health Department, 1001 E. Ninth, Building B, Reno
6. Rawson-Neal Psychiatric Hospital, 1650 Community College Drive, Las Vegas
7. Nevada Early Intervention Services, 3811 W. Charleston Blvd. Ste. 112, Las Vegas
8. Nevada State Division of Public and Behavioral Health, Office of Vital Records web page: http://dpbh.nv.gov/Programs/BirthDeath/Birth_and_Death_Vital_Records_-_Home/
9. Nevada Public Notice Website: <http://notice.nv.gov>
10. Nevada Legislature Website: <https://www.leg.state.nv.us>

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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 Bobbie Sullivan, Division of Public and Behavioral Health, Emergency Medical Services:

Division of Public and Behavioral Health
4126 Technology Way, Suite 100
Carson City, NV 89706
FAX (775) 687-7595

A copy of the proposed regulations in LCB File No. R079-22 and public workshop information can be found on-line by going to the Division of Public and Behavioral Health website:

[https://dpbh.nv.gov/Reg/Emergency_Medical_Systems_\(EMS\)/](https://dpbh.nv.gov/Reg/Emergency_Medical_Systems_(EMS)/)

Copies may be obtained in person, by mail, or calling (775) 687-7590.

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
833 Las Vegas Boulevard North
Las Vegas, NV 89101

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
210 South Monroe Street
Eureka, NV 89316-0283

Henderson District Public Library
280 South Water Street
Henderson, NV 89105

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

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

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

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

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

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

Per NRS 233B.105(2), upon adoption of any regulations, the agency, if requested to do so by a small business, either prior to adoption or with 90 days thereafter, shall issue a petition based on the following grounds:

- The agency failed to prepare a small business impact statement as required pursuant to NRS 233B.0608 and 233B.0609; or
- (b) The small business impact statement prepared by the agency pursuant to NRS 233B.0608 and 233B.0609 is inaccurate, incomplete or did not adequately consider or significantly underestimated the economic effect of the regulation on small businesses.

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.