

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

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**NOTICE OF INTENT TO ACT UPON A REGULATION**

Notice of Hearing for the Amendment of Regulations of the Board of Health  
(LCB File No. R111-22)

NOTICE IS HEREBY GIVEN that the State Board of Health will hold a public hearing at 9:00 a.m. on January 20, 2023, 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 440 of Nevada Administrative Code (NAC), Vital Statistics.

The State Board of Health meeting will be conducted via videoconference beginning at 9:00 a.m. on Friday, January 20, 2023, at the following locations:

**Virtual Meeting Location:**

[https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_OTY1OWY2NzAtYTcxNy00MDg2LTlmY2QtNDcxNDRiZDI5Mjdl%40thread.v2/0?content=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%22e2f9f008-841c-437d-b037-927c30ea003e%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_OTY1OWY2NzAtYTcxNy00MDg2LTlmY2QtNDcxNDRiZDI5Mjdl%40thread.v2/0?content=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%22e2f9f008-841c-437d-b037-927c30ea003e%22%7d)

*Please Note: If you experience technical difficulties connecting online, please call into the meeting to participate by phone.*

**Join By Phone:**

+1 (775) 321-6111

Phone Conference ID: 498 364 0#

Find local number: <https://dialin.teams.microsoft.com/1ef7fc5c-3859-4a06-ba30-c622c05e60f9?id=4983640>

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

The changes to NAC 440 in LCB File No. R111-22 are to remove obstacles for advancement that no longer serve the public's best interest and include the following changes:

- Clarifying the English Replacement of a Foreign Birth Certificate
- Clarifying ID requirements for Declarations of Paternity/Parentage
- Clarifying how to fill out the cause of death
- Aligning deadlines for medical certifiers to sign death certificates with existing law

- Clarifying who is responsible to sign a death certificate once the coroner relinquishes jurisdiction
- Clarifying the responsibility of transferring death records from one funeral home to another
- Clarifying gender identity options and the evidence needed to change it once the record has been registered
- Clarified the delayed birth process and evidence required
- Clarified the non-refundable status of fees once services have been rendered
- Removal of the notary services from regulation

1. Anticipated effects on the business which NAC 440 regulates:

- A. *Adverse effects*: None. The proposed regulations will produce negligible impact on small businesses.
- B. *Beneficial*: None reported.
- C. *Immediate*: None reported.
- D. *Long-term*: None reported.

2. Anticipated effects on the public:

- A. *Adverse*: None.
- B. *Beneficial*: None reported.
- C. *Immediate*: None reported.
- D. *Long-term*: None reported.

3. The six (6) responses were reviewed manually for positive and negative impacts upon small business. One indicated a negative impact. Five (5) indicated no negative nor positive direct impact. One indicated a negative impact. Five (5) indicated no negative indirect impact. One indicated an indirect benefit. Five (5) indicated no 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 January 13, 2023, 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, 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

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 104  
Carson City, NV 89706

Nevada State Library  
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://dphh.nv.gov/Programs/BirthDeath/Birth\\_and\\_Death\\_Vital\\_Records\\_-\\_Home/](https://dphh.nv.gov/Programs/BirthDeath/Birth_and_Death_Vital_Records_-_Home/)

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.

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.