

Joe Lombardo
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

SECRETARY OF STATE

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**For Filing Temporary Administrative
Regulations**

LCB File No. *n/a*

State Board of Health

**FOR EMERGENCY
REGULATIONS ONLY**

Effective date.....

Expiration date.....

.....

Governor's Signature

Classification:

PROPOSED

ADOPTED BY AGENCY

EMERGENCY Brief description of action.....

The State Board of Health adopted the proposed temporary regulation amendment(s) to NAC 433 at a public hearing held on January 20, 2023. The Board adopted the regulation as presented with no changes.

Authority citation other than 233B: NRS 433.708

Notice date December 20, 2022

Date of Adoption by Agency

Hearing date January 20, 2023

January 20, 2023

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DIVISION OF PUBLIC & BEHAVIORAL HEALTH
BUREAU OF BEHAVIORAL HEALTH WELLNESS AND PREVENTION
CRISIS RESPONSE SECTION

Informational Statement per NRS 233B.066

1.a NRS 433.708 directs the State Board of Health (BOH) to adopt regulations imposing a surcharge on telecommunications access lines with the proceeds deposited in the Crisis Response Account in the state General Fund to fund the implementation of the 988 National Suicide Prevention Lifeline and support centers and mobile crisis teams for persons considering suicide or experiencing behavioral health crisis. The proposed regulation adds new language to Chapter 433 of the NAC in accordance with NRS 433.708.a

2.a Public comment was solicited at a public workshop conducted virtually and by telephone by the Bureau of Behavioral Health Wellness and Prevention on January 9, 2023 and by email notification to interested parties using the SATPA listserv and to individual telecommunications providers and their industry representatives.a

Charter Communications and Cox Communications submitted written comment suggesting technical revisions to ensure mobile and VOIP lines fall within the scope of the surcharge. Ben Byrd, outside counsel for Charter Communications, testified the regulation as drafted does not include IP enabled services within its scope nor adequately takes into account the number of voice calls such lines can handle for the purpose of the surcharge. In addition, public comment was solicited by the Board of Health at a hearing to adopt the proposed regulation held on January 20, 2023. Public comment both at the workshop and public hearing was in support of the proposed regulation with no opposition expressed.

Testimony in favor of the proposed regulation was offered by Valerie Haskin, coordinator, Rural Behavioral Health Region; Allison McCormick from the city of Sparks, Julia Ratti, chair of the Washoe Regional Behavioral Health Policy Board; Sandy Stamates, a member of the Washoe Regional Behavioral Health Policy Board; Dorothy Edwards, coordinator of the Washoe Regional Behavioral Health Policy Board; Barry Cole of the Nevada Psychiatric Association; Amanda Brock of Quest Counseling and Kelly Marschall of Social Entrepreneurs, Inc.

Gerard Keegan of CTIA and Ben Byrd, outside counsel to Charter Communications, offered technical amendments.

A copy of this summary can be obtained from Autumn Blattman, regulatory coordinator, Division of Public and Behavioral Health by emailing a.blattman@health.nv.gov.

3.a Twenty-six people including DPBH staff attended the combined virtual public workshop held on January 9, 2023 for this and two other proposed regulations. Seventy-six people including DPBH staff were in virtual attendance at the Board of Health public hearing at which this and two other proposed Bureau regulations were presented:a

- Autumn Blattman, Executive Assistant, Division of Public and Behavioral Health
- Dorothy Edwards, Washoe Regional Behavioral Health Policy Board
- Misty Vaughan Allen, Statewide Suicide Prevention Coordinator, Division of Public and Behavioral Health
- Shannon Bennett, Health Bureau Chief, Division of Public and Behavioral Health
- Frederick Pilot, Behavioral Health Policy Coordinator, Division of Public and Behavioral Health
- Stephanie Cook, SAPTA Treatment Manager, Division of Public and Behavioral Health
- Stephanie Herrera, Program Officer III, Division of Public and Behavioral Health
- Dr. Tedd McDonald, County Health Officer, Central Nevada Health District
- Mark E Disselkoen, University of Nevada, Reno
- J Malikowski
- Mary McVicker
- Shannon Litz, Public Information Officer, Department of Health and Human Services, Director's Office
- (719)651-3835
- Tom Smith, State Board of Health Member
- Bobbie Sullivan, Emergency Medical Services Manager, Division of Public and Behavioral Health
- Sandy Stamates, Washoe Regional Behavioral Health Policy Board
- Sabrina Brasuell
- Jacqui Ragin
- Kelly Marschall, President, Social Entrepreneurs, Inc.
- Judith Bittner, State Board of Health Member
- Shana Rinehart, Management Analyst I, Contractor, Division of Public and Behavioral Health
- Jon Pennell, State Board of Health Member
- Ben Byrd, Outside Counsel, Charter Communications
- Lyndsey Tsiopos, Marriage and Family Therapist
- Abigail Bailey, Social Services Program Specialist II, Division of Public and Behavioral Health
- Trudy Larson, State Board of Health Member
- (817)690-8453
- Janice Hadlock-Burnett, Health Bureau Chief, Division of Public and Behavioral Health
- Ankita Makhani
- Lori Baumann, Clark County School District
- Cody Phinney, Deputy Administrator, Division of Public and Behavioral Health
- Tiana Jones, Health Program Specialist II, Division of Public and Behavioral Health
- Gerard Keegan, CTIA
- Brooke Maylath, Health Facilities Inspector, Division of Public and Behavioral Health
- (702) 776-3500
- Valerie Cauhape, Rural Regional Behavioral Health Policy Board
- (702) 250-9199
- Alyson McCormick, City of Sparks
- Misty Grimmer, Vice President of Public Affairs, The Ferraro Group
- Lisa Sherych, Administrator, Division of Public and Behavioral Health
- Pierron Tackes, Deputy Attorney General, Attorney General's Office
- Shelly Polanco, Vibrant
- Jake
- Teresa Hayes, Health Program Manager III, Division of Public and Behavioral Health
- Helen Foley
- Kayla Villegas, Administrative Assistant III, Division of Public and Behavioral Health
- (702) 383-2000
- AJ Holly Huth, Youth Services Manager, The LGBTQ+ Community Center of Southern Nevada
- J'Amie Webster-Frederick, Health Program Specialist II, Division of Public and Behavioral Health
- Fermin Leguen, District Health Officer, Southern Nevada Health District

- Andre Wade
- (775)644-7090
- Michael Frye, Senior Systems Director, Signature Healthcare Services
- Elyse Monroy-Marsala, Public Health Diversity Advisor, University of Nevada, Reno
- (775)250-0169
- Linda Anderson, Public Health Policy Analyst, Nevada Public Health Foundation
- Julia Ratti, Washoe Regional Behavioral Health Board
- Leah- Desert Parkway
- (323) 869-9069
- Amanda Brock, Community and Marketing Manager, Quest Counseling
- Barry Cole, Nevada Psychiatric Association
- Allison Genco, Public Health Resource Officer, Governor’s Office
- Mark DiNuzio, CCI Southwest
- Keibi Mejia
- Lea Case, Nevada Psychiatric Association
- Donna Laffery, Ferrari Reeder Public Affairs
- Vanness Dunn, Outreach Coordinator, Nevada Literacy Council
- LL Papert, Silver State Equality
- Lana Robards, Board Member, Northern Nevada Regional Behavioral Health Policy Board
- Erin Walker, Project AWARE Manager, Nevada State Public Charter Schools Authority
- Joseph Fillippi, Jr., Nevada Rural Hospital Partners
- Tiffany Smink, Charter Communications
- Jack Mayes, Executive Director, Nevada Disability Advocacy and Law Center
- Camalot Tood, Writer/Reporter, Nevada Current
- Scott Phillips

4. On February 28, 2022, a Small Business Impact Questionnaire was sent to 429 small businesses along with a copy of a proposed permanent regulation to impose a surcharge on telecommunications access lines with the proceeds deposited in the Crisis Response Account in the state General Fund to fund the implementation of the 988 National Suicide Prevention Lifeline, support centers and mobile crisis teams for persons considering suicide or experiencing behavioral health crisis. No small business impact was found.

Summary of Response

Summary of Comments Received			
There were 0 responses received out of 429 small business impact questionnaires distributed			
(Q#1) Will a specific regulation have an adverse economic effect upon your business?	(Q#2) Will the regulation(s) have any beneficial effect upon your business?	(Q#3) Do you anticipate any indirect adverse effects upon your business?	(Q#4) Do you anticipate any indirect beneficial effects upon your business?
0 “Yes” Responses	0 “Yes” Responses	0 “Yes” Responses	0 “Yes” Responses
0 “No” Responses	0 “No” Responses	0 “No” Responses	0 “No” Responses

Comments (Q#1):

Comments (Q#2):

Comments (Q#3):

Comments (Q#4):

The proposed permanent regulation did not advance due to public notice deficiencies for Nevada Open Meeting Law compliance discovered prior to the Board of Health hearing to adopt the regulation. The temporary regulation was drafted to replace the proposed permanent regulation and adopted by the Board of Health on January 20, 2023. While the language of the proposed permanent differs from that of the adopted temporary regulation, DPBH believes the changes do not impose new impacts on small businesses. Additionally, DBPH staff held multiple conferences with telecommunications providers from July 2022 to January 2023 to inform the drafting of a workable regulation and reduce potential opposition.

5. The regulation was adopted without change by the Board of Health on January 20, 2023. Staff testified DPBH will work with telecom industry stakeholders and particularly cable providers relative to their proposed amendments for potential inclusion in a permanent regulation to replace the temporary regulation and brought before the Board of Health for adoption after the 2023 legislative session ends in early June.

6. Anticipated economic effects on the business which NAC # 433 regulates:

A. *Adverse effects:* This regulation would impose costs on telecommunications providers to set up their billing systems to impose the surcharge required by this regulation. To minimize these effects, the effective date of the regulation is delayed by 90 days after it becomes law to allow telecommunications providers sufficient time to adapt their systems to most efficiently accommodate this cost. Additionally, sub regulatory guidance has been developed to aid telecommunications providers in transferring collected surcharge amounts.

B. *Beneficial:* No benefit to business identified.

C. *Immediate:* No immediate benefit to business identified.

D. *Long-term:* No long-term beneficial effects to business identified.

Anticipated economic effects on the public:

A. *Adverse:* No adverse/negative public effects identified.

B. *Beneficial:* This regulation will benefit the public by potentially preventing death by suicide for Nevadans experiencing behavioral health crisis and providing resources to stabilize them and prevent future crisis incidents and referral to behavioral health care resources. Additionally, it would benefit Nevada local governments and public safety agencies by diverting calls from Nevadans in behavioral health crisis that might otherwise be made to 911 and reduce

utilization of public safety first responders and hospital emergency departments by Nevadans experiencing behavioral health crisis. Diverting calls that might otherwise be made to 911 to 988 also mitigates potentially dangerous encounters between law enforcement officers and Nevadans in behavioral health crisis.

C. *Immediate*: When the regulation becomes effective, it will generate revenues for the Crisis Response Account in the state General Fund to support the Division of Public and Behavioral Health's 988 call center, crisis stabilization centers and mobile crisis response teams.

D. *Long-term*: Over the long term, the behavioral health crisis services supported by the Crisis Response Account could potentially reduce Nevada's relatively high suicide rate compared to other states. Additionally, there are potential future cost savings from reduced utilization of public safety first responders and hospital emergency departments by Nevadans experiencing behavioral health crisis.

7. The estimated initial cost to the Division of Public and Behavioral Health for enforcement of the proposed regulations is currently in place with temporary contractual staff. These staff are in place to begin the collection of revenue, review annual reports by telecommunications providers and related data reporting required by federal law. Future enforcement costs are anticipated and are accounted for in the SFY 24-25 budget before the legislature in budget account 3165 within the Division of Public and Behavioral Health. These staff are required to oversee the incoming monthly revenue, manage the budgets, and oversee the associated programs, including ensuring telecommunications providers annually report to the Division the average number of lines in service per month subject to the surcharge if review of actual and projected revenues indicates potential non-compliance by telecommunications providers.

Overall requested staffing is projected at \$682,983 in SFY 24 and \$850,723 in SFY 25.

8. The regulation does not overlap or duplicate any other Nevada state or federal regulations.

9. The regulation does not include provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

10. As directed by NRS 433.708, the regulation establishes a new fee to be imposed on telecommunications access lines with the proceeds deposited in the Crisis Response Account in the state General Fund. The regulation sets the fee at \$.35 per surchargeable line. DPBH estimates the surcharge will generate annual revenues of \$15.1 million to fund the implementation of the 988 National Suicide Prevention Lifeline, crisis stabilization centers, and mobile crisis teams for persons considering suicide or experiencing behavioral health crisis as directed by NRS 433.708.

**PROPOSED TEMPORARY REGULATION OF THE STATE BOARD OF HEALTH
Amendments to Nevada Administrative Code (NAC) Chapter 433
Relating to the 988 National Suicide Prevention Lifeline**

Explanation – Language in *blue italics* is new.

AUTHORITY: NRS 433.708, NRS 439.150

Section 1. Chapter 433 of the NAC is hereby amended by adding thereto the provisions set forth as sections 1 to 6, inclusive, of this regulation.

Section 2. Definitions.

1. *“Telecommunication provider” or “telephone company” defined. “Telecommunication provider” or “telephone company” has the same meaning as ascribed to it in NRS 704.027.*
2. *“Telecommunication service” defined. “Telecommunication service” has the same meaning as ascribed to it in NRS 704.028.*
3. *“Access line” defined. “Access line” has the same meaning as ascribed to it in NRS 704.006(2).*
4. *“Trunk line” defined. “Trunk line” has the same meaning as ascribed to it in NRS 704.008.*
5. *“Commercial mobile communication services” defined. “Commercial mobile communication services” means an interconnected voice calling service available to the public, or to such classes of eligible users as to be effectively available to a substantial portion of the public as defined at 47 CFR § 20.3(a) and (b).*
6. *“Voice calling service” defined. “Voice calling service” means voice service capable of dialing the digits 9-8-8 to access the National Suicide Prevention Lifeline, provided to each customer of that service whose place of primary use is in Nevada. (a) “Place of primary use” means the street address representative of where the customer’s use of the mobile telecommunications service primarily occurs as defined by 4 U.S. Code § 124(8) which must be: (1) The residential street address or the primary business street address of the customer; and (2) Within the licensed service area of the home service provider.*
7. *“IP-enabled voice services” defined. “IP-enabled voice services” has the same meaning as ascribed to it in NRS 704.685(3)(b).*

Section 3. *To sufficiently support the uses set forth in Section 5(2) of Senate Bill 390 (2021) and produce the revenue projected in the budget for the Division approved by the Legislature, a surcharge of 35 cents is imposed on the following, per month:*

1. *Each access line providing of stand-alone telephone service furnished to a residential customer;*
2. *Each access line of each customer of a company that provides commercial mobile communication services;*
3. *Each access line providing IP-enabled voice services; and*

4. Trunk lines.

Section 4. *The companies and providers shall collect the surcharge as described in Section 3 each month from their customers and remit the money collected to the Crisis Response Account within the Division of Public and Behavioral Health or its designated agent in accordance with Funds Transfer Instructions for Telecommunications Providers and subsequent sub regulatory guidance.*

Section 5. *Within 90 days of the effective date of this regulation, telecommunications providers identified in Sec. 1.1 shall report to the Board of Health or its designated agent the average number of lines in service per month in each of the categories identified in Section 3 in the previous calendar year and annually each April 1st thereafter. This information shall be regarded as proprietary information regarding trade secret and subject to the provisions of NRS 333.333.*

Section 6. *The surcharge described in Section 3 shall be imposed 90 days after this regulation becomes law.*

PROPOSED TEMPORARY REGULATION OF THE STATE BOARD OF HEALTH
Amendments to Nevada Administrative Code (NAC) Chapter 433
Relating to the 988 National Suicide Prevention Lifeline
Errata to First Draft

Explanation – Language in *blue italics* is proposed regulatory language; ~~[omitted material]~~ is material to be omitted from the proposed regulations; *green bold italic* is new proposed regulatory language.

AUTHORITY: NRS 433.708, NRS 439.150

Section 1. Chapter 433 of the NAC is hereby amended by adding thereto the provisions set forth as sections 1 to 6, inclusive, of this regulation.

Section 2. Definitions. *The below definitions shall apply only for the purposes as set established by NRS 433.708.*

1.a *“Telecommunication provider” or “telephone company” defined. “Telecommunication provider” or “telephone company” has the same meaning as ascribed to it in NRS 704.027.a*

2.a *“Telecommunication service” defined. “Telecommunication service” has the same meaning as ascribed to it in NRS 704.028.a*

3.a *“Access line” defined. “Access line” has the same meaning as ascribed to it in NRS 704.006(2).a*

4.a *“Trunk line” defined. “Trunk line” has the same meaning as ascribed to it in NRS 704.008.a*

5.a *“Commercial mobile communication services” defined. “Commercial mobile communication services” [means an interconnected voice calling service available to the public, or to such classes of eligible users as to be effectively available to a substantial portion of the public as defined in 47 CFR § 20.3(a) and (b)] has the same meaning as ascribed to it as 47 U.S. Code 332(d).a*

6.a *“Voice calling service” defined. “Voice calling service” means voice service capable of dialing the digits 9-8-8 to access the National Suicide Prevention Lifeline, provided to each a customer of that service whose place of primary use is in Nevada. (a) “Place of primary use” means the street address representative of where the customer’s use of the mobile telecommunications service primarily occurs as defined by 4 U.S. Code § 124(8) which must be: (1) The residential street address or the primary business street address of the customer; and (2) Within the licensed service area of the home service provider.a*

7.a *“IP-enabled voice services” defined. “IP-enabled voice services” has the same meaning as ascribed to it in NRS 704.685(3)(b).a*

Section 3. *To sufficiently support the uses set forth [in Section 5(2) of Senate Bill 390 (2021)] at NRS 433.708 and produce the revenue projected in the budget for the Division approved by the Legislature, a surcharge of 35 cents is imposed on the following, per month:*

1.a *Each access line providing of stand-alone telephone service furnished to a residential customer;a*

2. Each access line of each customer of a company that provides commercial mobile communication services;

3. Each access line providing IP-enabled voice services; and

4. Trunk lines.

Section 4. *The companies and providers shall collect the surcharge as described in Section 3 each month from their customers and remit the money collected to the Crisis Response Account within the Division of Public and Behavioral Health or its designated agent in accordance with Funds Transfer Instructions for Telecommunications Providers and subsequent sub regulatory guidance.*

Section 5. *Within 90 days of the effective date of this regulation, ~~[telecommunications providers identified in Sec. 1.1]~~ all providers of telecommunications services identified in Sec. 1 shall report to the Board of Health or its designated agent the average number of lines in service per month in each of the categories identified in Section 3 in the previous calendar year and annually each April 1st thereafter. This information shall be regarded as proprietary information regarding trade secret and subject to the provisions of NRS 333.333.*

Section 6. *The surcharge described in Section 3 shall be imposed 90 days after this regulation becomes law.*

Steve Sisolak
Governor



Richard Whitley, MS
Director

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SMALL BUSINESS IMPACT STATEMENT 2022

PROPOSED AMENDMENTS TO NAC 433A

The Division of Public and Behavioral Health (DPBH) has determined that the proposed amendments should have no adverse effect upon a small business or 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.

Senate Bill 390 was passed during the 2021 legislative session. The bill indicated the State Board of Health shall adopt regulations to impose a surcharge on each access line of each customer of a company that provides commercial mobile communication services or IP-enabled voice services in this State in accordance with 47 U.S.C. § 251a and each access line or trunk line of each customer to the local exchange of any telecommunications provider providing those lines in this State. Those companies and providers shall collect the surcharge from their customers and transfer the money collected to the Division pursuant to regulations adopted by the State Board of Health. The amount of the surcharge must be sufficient to support the uses set forth in subsection 2, except that the amount of the surcharge must not exceed 35 cents for each access line or trunk line

The Division of Public and Behavioral Health, in consultation with the Attorney General's Office and community stakeholders, determined that there are no small businesses in the State of Nevada, meeting the standard set in NRS 233B, that would be affected by this regulation through a sent survey.

The Division estimates a 35-cent fee will bring in \$13,000,000 annually for the Crisis Response Account. Pursuant to NRS 233B.0608 (2)(a), the Division of Public and Behavioral Health requested input from behavioral health facilities and small business telecommunications via email.

A Small Business Impact Questionnaire was sent to 429 small businesses along with a copy of the proposed regulation changes, on February 28, 2022. The questions on the questionnaire were:

- 1) How many employees are currently employed by your business? a
- 2) Will a specific regulation have an adverse economic effect upon your business? a
- 3) a Please list each regulation and explain the adverse impact. 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. a
- 4) Will the regulation(s) have any beneficial effect upon your business? a
- 5) If so, please explain and include any cost savings you believe the adopted regulations will save your business over one calendar year with an estimated dollar amount, if applicable. a

- 6) Do you anticipate any indirect adverse effects upon your business?
- 7) Please explain the indirect adverse effects.
- 8) Do you anticipate any indirect beneficial effects upon your business?
- 9) Please explain the indirect beneficial effects.

Summary of Response

Summary Of Comments Received (0 responses were received out of 429 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	0	0	0

Number of Respondents out of 429	Adverse economic effect?	Beneficial effect?	Indirect adverse effects?	Indirect beneficial effects?
0	0	0	0	0

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

A small business impact questionnaire was distributed via email to: all Nevada telecommunication companies and Nevada-licensed Peer support recovery organizations, Rural Clinics, Mobile Units, Medical Detox Facilities, Outpatient Facilities, Alcohol/Drug Abuse Treatment Facilities, Community Triage Centers, Psychiatric Residential Treatment Facilities, Transitional Living Facilities for Released Offenders, Halfway Houses for Recovering Alcohol and Drug Abusers, and Hospitals on February 28, 2022. This questionnaire was open for two weeks, soliciting feedback. There were no responses to this request for feedback, nor were any staff directly contacted by constituents.

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 identified beneficial or adverse effect, direct or indirect, on small business in Nevada. NRS 233B.0608 requires the DPBH to determine whether the proposed regulation imposes a direct and significant economic burden upon a small business.

The direct economic burden of these regulations is on the companies that provide commercial mobile communication services or IP-enabled voice services. All identified telecommunication business were requested

to complete a small business impact survey, in which zero respondents answered, nor was staff contacted by any agency reporting difficulties answering the survey. However, there is estimated direct beneficial effect for the non-profits and government entities that will be impacted by this regulation.

2) 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 Division worked with small businesses and telecommunications when developing this proposal to ensure the regulation would not negatively impact their organizations. They have been consulted with since the beginning of the process through surveys, a planned public workshop (mentioned below), and email updates via Listserv to: Nevada-licensed Peer support recovery organizations, Rural Clinics, Mobile Units, Medical Detox Facilities, Outpatient Facilities, Alcohol/Drug Abuse Treatment Facilities, Community Triage Centers, Psychiatric Residential Treatment Facilities, Transitional Living Facilities for Released Offenders, Halfway Houses for Recovering Alcohol and Drug Abusers, and Hospitals.

The Division of Public and Behavioral Health has held several opportunities to provide input and comments regarding the proposed regulations, including the economic impact the proposed regulations may have on small businesses. Modifications to the proposed regulations have been made as a result of this input. A workshop will be held on May 20th, 2022, at 9:00 AM allowing for further input regarding the proposed regulations and how they will impact small businesses.

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

The agency does not anticipate a cost for the enforcement of the proposed regulation.

4) 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.

The Division estimates a 35-cent fee will bring in \$13,000,000 annually for the Crisis Response Account. The money will be used in accordance with SB 390. As used in sections 2 to 6, inclusive, of this act, unless the context otherwise requires, "National Suicide Prevention Lifeline program" means the National Suicide Prevention Lifeline program established by 42 U.S.C. § 290bb-36c.

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

Not applicable.

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

No analysis was required since no effect on small business was identified. See previous answers for further explanation.

Any other persons interested in obtaining a copy of the summary may e-mail, call, or mail in a request to Veronica Portillo-Bradford at the Division of Public and Behavioral Health at:

Division of Public and Behavioral Health
4126 Technology Way, Suite 200

Carson City, NV 89701
Veronica Portillo-Bradford
Phone: (775) 684-4295
Email: vportillo@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 business; this statement was prepared properly and is accurate.

Signature: 

Date: 04/27/2022

Steve Sisolak
Governor



Richard Whitley, MS
Director

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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
Temporary Regulations to Nevada Administrative Code (NAC) Chapter 433

NOTICE IS HEREBY GIVEN that the State Board of Health will hold a public hearing to consider temporary regulations amending Chapter 433 of Nevada Administrative Code (NAC), Administration of Mental Health and Intellectual and Developmental Disability Programs. This public hearing is to be held in conjunction with the State Board of Health meeting on Friday, January 20, 2023.

The State Board of Health will be conducted via videoconference beginning at 9:00 am Friday, January 20, 2023, at the following locations at the following locations:

Virtual Meeting Location:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_OTY1OWY2NzAtYTcxNy00MDg2LTlmY2QtNDcxNDRiZDI5Mjdl%40thread.v2/0?context=%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 proposed changes, through temporary regulation, to NAC 433 include the following:

SB 390 (2021) directs the State Board of Health (BOH) to adopt regulations imposing a surcharge on telecommunications access lines with the proceeds deposited in the Crisis Response Account in the state General Fund to fund the implementation of the 988 National Suicide Prevention Lifeline, support centers and mobile crisis teams for persons considering suicide or experiencing behavioral health crisis. This temporary regulation adds new language to Chapter 433 of the NAC in accordance with SB 390, which will further be adopted through permanent regulation.

1. Anticipated effects on the business which NAC Chapter 433 regulates:

- A. *Adverse effects*: This regulation would impose costs on telecommunications providers to set up their billing systems to impose the surcharge required by this regulation. To minimize these effects, the effective date of the regulation is delayed by 90 days after it becomes law to allow telecommunications providers sufficient time to adapt their systems to most efficiently accommodate this cost. Additionally, sub regulatory guidance has been developed to aid telecommunications providers in transferring collected surcharge amounts.
- B. *Beneficial*: No benefit to business identified.
- C. *Immediate*: No immediate benefit to business identified.
- D. *Long-term*: No long-term beneficial effects to business identified.

2. Anticipated effects on the public:

- A. *Adverse*: No adverse/negative public effects identified.
- B. *Beneficial*: This regulation will benefit the public by potentially preventing suicides by Nevadans experiencing behavioral health crisis and providing resources to stabilize them and prevent future crisis incidents and referral to behavioral health care resources. Additionally, it would benefit Nevada local governments and public safety agencies by diverting calls from Nevadans in behavioral health crisis that might otherwise be made to 911 and reduce utilization of public safety first responders and hospital emergency departments by Nevadans experiencing behavioral health crisis. Diverting calls that might otherwise be made to 911 & 988 also mitigates potentially dangerous encounters between law enforcement officers and those undergoing behavioral health crisis.
- C. *Immediate*: When the regulation becomes effective, it will generate revenues for the Crisis Response Account in the state General Fund to support the Division of Public and Behavioral Health's 988 call center, crisis stabilization centers and mobile crisis response teams.
- D. *Long-term*: Over the long term, the behavioral health crisis services supported by the Crisis Response Account could potentially reduce Nevada's relatively high suicide rate compared to other states. Additionally, there are potential future cost savings from reduced utilization of public safety first responders and hospital emergency departments by Nevadans experiencing behavioral health crisis.

3. The Division of Public and Behavioral Health in consultation with the Attorney General's Office and community stakeholders determined that there are no small businesses in the State of Nevada meeting the standard set in NRS 233B that would be affected by this regulation. The prescribed Small Business Impact Questionnaire was sent to 429 small businesses along with a copy of the proposed regulation changes, on February 28, 2022.

4. The estimated initial cost to the Division of Public and Behavioral Health for enforcement of the proposed regulations is minor and absorbable by existing Division resources for review of annual reports by telecommunications providers and related data reporting required by federal law. Future enforcement costs could be incurred under a provision of the regulation that would require telecommunications providers to annually report to the Division the average number of lines in service per month subject to the surcharge if review of actual and projected revenues indicates potential non-compliance by telecommunications providers.

5. The proposed regulations do not overlap or duplicate any other Nevada state or federal 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 Friday, 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 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:

1. Division of Public and Behavioral Health, 4150 Technology Way, First Floor Lobby, Carson City
2. Division of Public and Behavioral Health, Bureau of Behavioral Health Wellness and Prevention, 4126 Technology Way, Carson City
3. Nevada State Library and Archives, 100 Stewart Street, Carson City

A copy of the regulations and small business impact statement can be found on-line by going to:
https://dpbh.nv.gov/Programs/ClinicalSAPTA/Home_-_SAPTA/

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 775-684-4200.

Copies may also be obtained from the Nevada State Library at the address listed below:

Nevada State Library & Archives
100 N. Stewart Street
Carson City, NV 89701

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.