



## NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Adoption of Regulations of the Department of Health and Human Services

**Date: January 6, 2021 at 9:00 a.m. - Adjournment**

NOTICE IS HEREBY GIVEN that the Division of Public and Behavioral Health will hold a public hearing to consider amendments to Chapter 178.417 of Nevada Administrative Code (NAC), Certification to Evaluate Competency of Criminal Defendants.

The hearing will be conducted via videoconference beginning at 9:00 a.m. on January 6, 2021 at the following locations:

**Meeting Link:**

<https://nvhealth.webex.com/nvhealth/j.php?MTID=me6953424713b475cd8537814ce86d96c>

Meeting Number: 146 038 2714

Password: 2bjQa9vEVP5

**Join by Phone:**

+1-415-655-0001 US Toll

Access code: 146 038 2714

This meeting will be conducted without a physical location and the notices in libraries are not currently available in accordance with Governor Sisolak's Declaration of Emergency Directive 006 which can be found at the end of this notice.

### Agenda

- 1. Informational Item: Open Hearing with presentation on proposed amendments.**
- 2. Public Comment on LCB File No. R181-18.**
- 3. For Possible Action: Adoption of regulations contained in LCB File No. R181-18.**
- 4. Adjournment**

The proposed regulations provide provisions for the following:

1. Brings the proposed regulations in compliance with: [Senate Bill 227](#) of the 79<sup>th</sup> Nevada Legislative Session. This regulation will bring NAC 178.417 in compliance with the statute that allows Advanced Practice Registered Nurses (APRN) to be appointed by the court to perform criminal competency evaluations for misdemeanor offenders. The amendment also provides for withdrawal of certification for individuals who do not follow accepted national standards in providing this service to the courts.

2. Expands the number of mental health care providers that can provide competency evaluations in the State of Nevada.
3. Provides for an expanded fee structure to improve training opportunities for certified examiners, such as contracting with outside providers who can provide a greater variety of training.
4. Proposes initial certification fee for psychiatrists and psychologists of \$250 and \$125 for APRNs and Licensed Clinical Social Workers. Proposed renewal fees are \$150 for psychiatrists and psychologists and \$75 for APRNs and Licensed Clinical Social Workers.
5. Allows the Division of Public and Behavioral Health to establish a quality assurance program to maintain national standards for the delivery of competency evaluations.
6. Describes definition of an APRN who is psychiatrically trained and qualifies to perform competency evaluations; also describes standard for content of reports submitted to the court offering an opinion of competency to stand trial.
7. Clarifies procedures for appealing the cancellation of a certificate to perform competency evaluations.

Anticipated effects on the business which NAC 178.417 regulates:

- A. *Adverse effects:* There are no anticipated adverse effects on businesses that NAC 178.417 regulates.
- B. *Beneficial:* Possible improvement in the competency to stand trial reports submitted to courts may prove to have beneficial effects on business which NAC 178.417 regulates.
- C. *Immediate:* None
- D. *Long-term:* See above.

2. Anticipated effects on the public:

- A. *Adverse:* None.
- B. *Beneficial:* See Section B above.
- C. *Immediate:* None
- D. *Long-term:* See Section B above.

3. The estimated cost to the Division of Public and Behavioral Health for enforcement of the proposed regulations includes: \$16,425.

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 may submit the material to Janet Ashby, Administrative Assistant IV via email [jashby@health.nv.gov](mailto:jashby@health.nv.gov) or by mailing to the following address:

Division of Public and Behavioral Health  
Lake's Crossing Center  
500 Galletti Way  
Sparks, Nevada 89431  
775- 688-6651

Members of the public who require special accommodations or assistance related to the workshops are required to notify Janet Ashby, Administrative Assistant IV, at the above address in writing for the Division of Public

and Behavioral Health, or by calling Ms. Ashby, at least five (5) working days prior to the date of the public hearing.

You may contact Elizabeth Neighbors, Ph.D., by calling 775-688-6651 or 775-848-9840, for further information on the proposed regulations or how to obtain copies of the supporting documents.

A copy of the regulations and small business impact statement can be found on the Division of Public and Behavioral Health's web page: [http://dpbh.nv.gov/Programs/Clinical\\_Services\\_-\\_Administrative\\_Health/](http://dpbh.nv.gov/Programs/Clinical_Services_-_Administrative_Health/)

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/>

**In accordance with Nevada Governor Sisolak's Declaration of Emergency Directive 006 the meeting may be done without physical locations and notices in the libraries and other locations are not currently available.**

- As per Nevada Governor Sisolak's Declaration of Emergency Directive 006; Subsection 3: The requirements contained in NRS 241.020 (4) (a) that public notice agendas be posted at physical locations within the State of Nevada are suspended.
- As per Nevada Governor Sisolak's Declaration of Emergency Directive 006; Subsection 4: Public bodies must still comply with requirements in NRS 241.020 (4)(b) and NRS 241.020 (4)(c) that public notice agendas be posted to Nevada's notice website and the public body's website, if it maintains one along with providing a copy to any person who has requested one via U.S. mail or electronic mail.
- As per Nevada Governor Sisolak's Declaration of Emergency Directive 006; Subsection 5: The requirement contained in NRS 241.020 (3)(c) that physical locations be available for the public to receive supporting material for public meetings is suspended.
- As per Nevada Governor Sisolak's Declaration of Emergency Directive 006; Subsection 6: If a public body holds a meeting and does not provide a physical location where supporting material is available to the public, the public body must provide on its public notice agenda the name and contact information for the person designated by the public body from whom a member of the public may request supporting material electronically and must post supporting material to the public body's website, if it maintains one.

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.