

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 WORKSHOP

NOTICE IS HEREBY GIVEN that the Division of Public and Behavioral Health will hold a public workshop to consider amendments to Nevada Administrative Code (NAC) Chapters 433, 458, and 441A.

The workshop will be conducted via videoconference beginning at 9 AM on Monday, January 9th, 2023, at the following locations:

Virtual Locations:

Meeting Link: https://teams.microsoft.com/l/meetup-join/19%3ameeting_YWMxMDI2NGYtZGVlMi00YzljLWJkNWYtZDMwMmY5MmFjYTI5%40thread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%22d4ed09af-90c8-4693-97a6-131874e660a5%22%7d

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

Join By Phone:

+1-775-321-6111

Phone Conference ID: 907 036 992#

Physical Locations:

This meeting will be held virtually. Please see information below.

These workshops will be conducted in accordance with NRS 241.020, Nevada's Open Meeting Law.

AGENDA

1. Introduction of workshop process.
2. Public comment on proposed amendments, through temporary regulations, to Nevada Administrative Code Chapter 433 – Administration of Mental Health and Intellectual and Developmental Disability Programs.
3. Public comment on proposed amendments to Nevada Administrative Code Chapter 458, as set forth in LCB File No. R117-22 – Abuse of Alcohol and Drugs.
4. Public comment on proposed amendments to Nevada Administrative Code Chapter 441A, as set forth in LCB File No. R153-22 – Infectious Diseases.
5. General Public Comment.

The proposed change revising Nevada Administrative Code Chapter 433 is being proposed in accordance with NRS 433.704.

The proposed change revising Nevada Administrative Code Chapter 458 is being proposed in accordance with NRS 433.622 et. seq., NRS 433.631 and NRS 433.632.

The proposed change revising Nevada Administrative Code Chapter 441A is being proposed in accordance with NRS 441A.120.

Summary of Temporary Regulations amending NAC Chapter 433:

The proposed regulations provide provisions for the following:

1. The proposed change revising Nevada Administrative Code Chapter 433, through temporary regulations, is in compliance with SB 390 of the 2021 Legislative Session directing the State Board of Health (BOH) to adopt regulations imposing a surcharge of up to \$.35 per line 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 regulation affects telecommunications providers that would be required to surcharge specified line types and forward the proceeds monthly to the Division of Public and Behavioral Health and also report on the surcharges collected by line type to the Division.
2. The proposed amendment would require telecommunications providers to levy a billing surcharge of \$.35 per line on specified line types.
3. In order to allow telecommunications providers time to set up their billing systems to comply with the proposed regulation, the effective date was delayed for 90 days after it becomes law. To help ascertain compliance and federal and state reporting requirements, the proposed regulation requires telecommunications providers to annually report to the Division surcharges collected by line type. Subregulatory guidance has been developed to provide detailed instructions to telecommunications providers on transferring collected surcharges to the Division's Crisis Response Account.
4. The proposed amendment defines the types of telecommunications lines subject to the surcharge as directed by NRS 433.708 and defined at Section 2(1-4) of the proposed regulation.

Summary of LCB File No. R117-22 amending NAC Chapter 458:

The proposed regulations provide provisions for the following:

1. The proposed change revising Nevada Administrative Code Chapter 458 is in compliance with SB 69 of the 2021 Legislative Session relating to substance use disorder (SUD) prevention coalitions, updating definitions, requirements, terminology, and other language governing Peer Recovery Support Services as delineated at NRS 433.622 et seq. The amendments:
 - Revise language relating to Substance Abuse Prevention and Treatment certification for detoxification technicians, updating definitions and cleaning up language relating to background checks.
 - Revise language to be consistent with SB 69 relating to substance use disorder (SUD) prevention coalitions, updating definitions, requirements, terminology, and other edits to language.
 - Revise language referring to "abuse" or "abuser" to more appropriate terminology.

- Revise language relating to the requirements on sale or transfer of ownership and how this impacts application for certification.
 - Revise language regarding confidentiality.
 - Revise language per ASAM for continued care and discharge planning.
2. Substance abuse prevention and treatment businesses would be affected by this proposed amendment.
 3. The proposed amendment would impose fees in the amount of \$100 per level of service for the initial certification and recertification of programs and services as well as a nonrefundable fee in the amount of \$50 for each program address that is certified with an endorsement per Division criteria for treatment of co-occurring substance-related and mental health disorders.
 4. The proposed amendment to NAC 458.123 expands the events requiring drug and alcohol use programs to notify the Division of any anticipated change which will affect the certification including but not limited to the sale or transfer of ownership of the program; any reorganization or change in the ownership interests of the program; any change of name of the program or the owners; and any other material change in the information submitted in the application for certification.

Summary of LCB File No. R153-22 amending NAC Chapter 441A:

The proposed regulations provide provisions for the following:

1. The proposed change revising Nevada Administrative Code Chapter 441A is in compliance with SB 181 of the 2021 Legislative Session directing the State Board of Health (BOH) to adopt regulations governing the procedures for health care providers to report cases or suspected cases of attempted suicide to the Chief Medical Officer or his or her designee. The proposed language defines “attempted suicide” for the purpose of reporting attempted suicide; specifies health care providers required to report a case of attempted suicide and the information and procedures for submitting reports. Additionally, the proposed amendment would require the Division to compile an annual report summarizing the information submitted to the Chief Medical Officer of the affected health care providers and submit the report to the Patient Protection Commission created by NRS 439.908.
2. Health care providers affected by the proposed amendment are community triage centers and hospitals including rural and psychiatric hospitals.
3. Health care providers required to report a case of attempted or suspected suicide that willfully fail, neglect or refuse to comply with this requirement would be guilty of a misdemeanor subject to an administrative fine of \$1,000 for each violation, as determined by the Board of Health.

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 Frederick Pilot, Behavioral Health Policy Coordinator at fpilot@health.nv.gov, or at the following address:

Division of Public and Behavioral Health
Bureau of Behavioral Health Wellness and Prevention
4126 Technology Way, Suite 200
Carson City, NV 89706
775-684-4185 (FAX)

Members of the public who require special accommodations or assistance at the workshops are required to notify Frederick Pilot in writing to the Division of Public and Behavioral Health, 4126 Technology Way, Suite 200, Carson City, NV 89706 or by calling 775-461-6537 at least five (5) working days prior to the date of the public workshop.

You may contact Frederick Pilot by calling 775-461-6537 for further information on the proposed regulations or how to obtain copies of the supporting documents.

A copy of the notice and the 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, Ste. 300
Carson City, NV 89706

Division of Public and Behavioral Health
4126 Technology Way, Ste. 200
Carson City, NV 89706

Nevada State Library and Archives
100 Stewart Street
Carson City, NV

A copy of the regulations and small business impact statement can be found on the Division of Public and Behavioral Health's web page: https://dpbh.nv.gov/Programs/ClinicalSAPTA/Home_-_SAPTA/

A copy of the public workshop notice can also be found at the Nevada Legislature's web page: <https://www.leg.state.nv.us/App/Notice/A/>

A copy of this notice has been posted at the following locations:

1. Division of Public and Behavioral Health, 4150 Technology Way, First Floor Lobby, Carson City 89706
2. Division of Public and Behavioral Health, 4126 Technology Way, First Floor Lobby, Carson City NV 8970
3. Nevada State Library and Archives, 100 Stewart Street, Carson City

Copies may be obtained in person, by mail, or by calling the Division of Public and Behavioral Health at (775) 461-6537 in Carson City.

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.