

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 INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Amendment of Regulations of the Board of Health
LCB File No. R117-22 related to Administration of Mental Health and Intellectual and Developmental
Disability Programs

NOTICE IS HEREBY GIVEN that the State Board of Health will hold a public hearing to consider adoption of amendments to Chapter 458 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 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:

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 to NAC 458 include the following:

- SB 69 (2021) directs the Board of Health to adopt regulations providing for the certification of substance use disorder prevention coalitions, which are coalitions of persons and entities who possess knowledge and experience related to the prevention of substance misuse and substance use disorders.
- The proposed change to NAC 458 complies with this legislative mandate by updating and revising existing regulations for oversight of providers certified by the Substance Abuse Prevention and Treatment Agency (SAPTA) within the Division of Public and Behavioral Health (DPBH). The updated language clarifies certification requirements using more current terminology and removes

stigmatizing language.

1. Anticipated effects on the business which NAC 458 regulates:

- A. *Adverse effects*: None identified.
- B. *Beneficial*: Substance abuse prevention and treatment businesses will benefit from clearer and more user-friendly updates to existing regulations.
- C. *Immediate*: Substance abuse prevention and treatment businesses will benefit from clearer and more user-friendly updates to existing regulations.
- D. *Long-term*: Substance abuse prevention and treatment businesses will benefit from clearer and more user-friendly updates to existing regulations.

2. Anticipated effects on the public:

- A. *Adverse*: None identified.
- B. *Beneficial*: This regulation will help ensure substance use prevention and treatment agencies provide quality services to the community based on certification criteria. All individuals receiving services should benefit from the quality of services provided.
- C. *Immediate*: This regulation will help ensure substance use prevention and treatment agencies provide quality services to the community based on certification criteria. All individuals receiving services should benefit from the quality of services provided.
- D. *Long-term*: This regulation will help ensure substance use prevention and treatment agencies provide quality services to the community based on certification criteria. All individuals receiving services should benefit from the quality of services provided.

3. The Division of Public and Behavioral Health determined the impact on small business by requesting input from substance abuse prevention and treatment businesses. A Small Business Impact Questionnaire was disseminated through the SAPTA Listserv, the Substance Abuse Block Grant Agencies, the SAPTA Advisory Board, the BHPAC, and the HCQC Listserv. It was posted on the SAPTA website as well along with a copy of the proposed regulation changes, on August 1, 2022.

- SAB – 23 people
- BHPAC – 49 people
- SABG Agencies – 10 people
- HCQC listservs – 745 people

4. The estimated cost to the Division of Public and Behavioral Health for enforcement of the proposed regulations is minor and absorbable within existing Division resources.

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.