

NOTICE OF PUBLIC HEARING

Intent to Adopt Regulations
(LCB File No. R017-20)

NOTICE IS HEREBY GIVEN that the State Board of Health will hold a public hearing to consider amendments to Chapter 439A and 439.220 of Nevada Administrative Code (NAC), Physician Visa Waiver Program. This public hearing is to be held in conjunction with the State Board of Health meeting on June 5, 2020. The NAC 439A and 439.220 regulation changes will be heard in the order placed on the State Board of Health agenda.

The State Board of Health will be conducted via videoconference beginning at 9:00 a.m. on Friday, June 05, 2020 at the following locations:

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| Division of Public and Behavioral Health 4150 Technology Way Room 303 Carson City, NV 89076 | Grant Sawyer Building 555 E. Washington Ave. Room 1400 Las Vegas, NV 89101 |
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This meeting may be conducted without physical locations and the notices in the 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.

The proposed addition/change of regulations to NAC 439A and 439.220 in LCB File No. R017- 20 include provisions for:

- The proposed amendment to (NAC 439A.720) Section 1 of this regulation requires that at least half of the application fee be paid by the employer and allows the employer to pay the entire fee.
- The proposed amendment to (NAC 439A.720) Section 1, (NAC 439A.725) Section 2, and (NAC 439A.730) Section 4, remove the specific address and website information from the regulations.
- The proposed amendment to (NAC 439A.728) Section 3 of this this regulation updates the fee for a letter of support to \$2,000 which is the allowable amount under NRS 439A.170.
- The proposed amendment to (NAC 439A.730) Section 4 updates language for J-1 physicians transferring to a new employer.
- The proposed amendment to (NAC 439A.735) Section 5 and (NAC 439A.740) Section 6, update language to allow the Administrator to approve additional work locations for the physicians. It also allows the practices to notify in writing of benefits.
- The proposed amendment to (NAC 439A.745) Section 7 updates language to allow the Administrator to report violations to the Board of Medical Examiners or Bureau of Health Care Quality and Compliance of the Division of Public and Behavioral Health.
- The proposed amendment to (NAC 439A.750) Section 8 updates language to allow the Administrator to prohibit an employer from program participation for up to two years for program violations. The proposed update would allow the Administrator to approve a transfer of current J-1 physicians to a new employer.

- The proposed amendment to (NAC 439.220) Section 9 updates language to allow the electronic posting of public notices to the website for the Division of Public and Behavioral Health.
1. Anticipated effects on the business which NAC 439A and 439.220 regulates:
 - A. *Adverse effects*: The agency concludes the proposed regulations will produce a negligible impact on small businesses.
 - B. *Beneficial*: Clearly defines what is expected of the regulated community. Protects the physicians in the event of a program violation, allows the program to be administered more efficiently.
 - C. *Immediate*: The stated adverse and beneficial effects would be immediate impacts as soon as the proposed regulations become effective.
 - D. *Long-term*: The long-term impacts would be the same as the immediate impacts as it is not be expected that the impacts would go away.
 2. Anticipated effects on the public:
 - A. *Adverse*: None anticipated.
 - B. *Beneficial*: Increased public health and safety.
 - C. *Immediate*: Increased public health and safety.
 - D. *Long-term*: Increased public health and safety.
 3. There is no estimated cost to the Division of Public and Behavioral Health for enforcement of the proposed regulations. Enforcement of the proposed regulations will be incorporated into current administrative, registration, licensing and inspection processes.
 4. The amendment to NAC 439A.720 Section 1 of this regulation increases the fee for a letter of support from a progressive schedule of \$500-\$1,400, to a flat fee of \$2,000 - the maximum allowable under NRS 439A.170.
 5. The proposed regulations do not overlap or duplicate any other Nevada state regulations.
 6. Per NRS 233B.0608(3), The Division of Public and Behavioral Health prepared and distributed a Small Business Impact Questionnaire (SBIQ) to all community stakeholders, J-1 participants, and licensed facilities in the State. The responses received were analyzed and used to generate the Small Business Impact Statement (SBIS) which was approved by the Administrator on December 26, 2019.
 7. 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, May 06, 2020 at the following address:

Secretary, State Board of Health
Division of Public and Behavioral Health
4150 Technology Way, Suite 300

Carson City, NV 89706

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:

Division of Public and Behavioral Health
4150 Technology Way, Suite 300
Carson City, NV 89706

Division of Public and Behavioral Health
4220 S. Maryland Parkway, Bldg. D,
Suite 810
Las Vegas, NV 89119

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

Copies may be obtained in person, by mail, or by calling the Primary Care Office at (775) 684-2232 in Carson City.

A copy of the regulations and this notice can also be found on-line by going to:

<http://dpbh.nv.gov/Programs/Conrad30/Conrad30-Home/>

<https://www.leg.state.nv.us/Register/2020Register/R017-20I.pdf> (Regulations Only)

<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.