

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

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**NOTICE OF REGULATION PUBLIC WORKSHOP  
FOR ERRATA TO LCB FILE NO. R002-22**

NOTICE IS HEREBY GIVEN that the Division of Public and Behavioral Health will hold a public workshop to consider an errata to proposed regulation legislative counsel bureau (LCB) File No. R002-22 amending Nevada Administrative Code (NAC) Chapter 441A in accordance with Senate Bill (SB) 211 of the 2021 Legislative Session and Nevada Revised Statutes (NRS) 441A.

The workshop will be conducted via videoconference and will have a call-in option available beginning at 10:00 AM on Monday, July 18, 2022, by using the information provided below to join on your computer or by calling in via telephone. If you have difficulties joining in by computer, you can call in utilizing the number below:

**Microsoft Teams meeting**

**Join on your computer or mobile app**

[Click here to join the meeting](https://teams.microsoft.com/l/meetup-join/19%3aa19598c9963743aaa8e64e331c8e342c%40thread.skype/1656516267095?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%228f8a0486-03d9-4431-9c80-8cfa9f2d92e%22%7d) - <https://teams.microsoft.com/l/meetup-join/19%3aa19598c9963743aaa8e64e331c8e342c%40thread.skype/1656516267095?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%228f8a0486-03d9-4431-9c80-8cfa9f2d92e%22%7d>

Or call in (audio only)

+1 775-321-6111 - United States, Reno

+1 702-329-3435 - United States, Las Vegas

Phone Conference ID: 413 766 499#

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

**AGENDA**

1. Introduction of the workshop process
2. Public comment on errata to proposed regulation LCB file no. R002-22 amending Nevada Administrative Code Chapter 441A in accordance with Senate Bill (SB) 211 of the 2021 Legislative Session and Nevada Revised Statutes (NRS) Chapter 441A.
3. Public Comment

The proposed changes will revise Nevada Administrative Code (NAC) Chapter 441A in accordance with Senate Bill (SB) 211 of the 2021 Legislative Session and Nevada Revised Statutes (NRS) Chapter 441A.

The proposed regulations stem from the passage of Senate Bill (SB) 211 (formerly Bill Draft Request [BDR] 40-563), which was introduced during the 2021 Nevada 81st Legislative Session and signed by Governor Steve Sisolak on June 4, 2021. The bill establishes requirements relating to testing for sexually transmitted diseases (STD) and human immunodeficiency virus (HIV). The proposed regulations will update NAC Chapter 441A in accordance with the requirements set forth in SB 211.

Current regulations do not outline the requirement to consult with patients about whether they wish to be tested for HIV or STDs. The proposed regulation will update and require certain emergency medical service providers in a hospital or primary care setting to inquire if their patient would like HIV or STD testing. Additionally, the medical provider must assist the patient in obtaining a test(s) where practical and medically indicated. The errata further defines when a test is medically indicated, under these provisions.

There are several public health reasons for bringing this change forward:

- 1) Nevada ranked 5<sup>th</sup> for the highest rates of HIV diagnoses in 2019.
- 2) Nevada ranked 1<sup>st</sup> for Primary and Secondary Syphilis in 2019.
- 3) Nevada ranked 4<sup>th</sup> for Congenital Syphilis in 2019.
- 4) Nevada ranked 17<sup>th</sup> for Chlamydia in 2019.
- 5) Nevada ranked 15<sup>th</sup> for Gonorrhea in 2019.

Additionally:

- The Centers for Disease Control and Prevention (CDC) recommends that individuals between the ages of 13 and 64 get tested for HIV and STD as part of routine health care.
- The CDC also recommends more frequent screening of HIV and STDs (e.g. once every 3 or 6 months) for individuals with increased risk of infections.
- The United States Preventive Services Task Force (USPSTF) provides a “Grade A” recommendation that clinicians screen for HIV and STDs in adolescents and adults aged 15 to 65 years. Younger adolescents and older adults who are at increased risk of infection should also be screened.

1. Anticipated effects on the business and on the general public:

- A. *Adverse effects:* The Division of Public and Behavioral Health does not anticipate any adverse/negative impacts to businesses or the general public in the State of Nevada. It would also eliminate patients' need or awkwardness/shyness to self-advocate for HIV and STD testing.
- B. *Beneficial:* The positive/beneficial effects of SB 211 to businesses in the State of Nevada would be increased billing for HIV and STDs.
- C. *Immediate:* As soon as the proposed regulations become effective, it would increase opportunities for testing HIV and STDs across Nevada. Additionally, it would create an open dialogue with medical providers regarding any behaviors impacting their patient's health. All insurances in Nevada are required to cover HIV and STD testing following USPSTF and CDC Guidelines.
- D. *Long-term:* The long-term positive/beneficial of SB 211 effects to the public in the State of Nevada will reduce the future cost of medical care and treatment of late diagnosis of HIV and STDs. Additionally, it will destigmatize HIV and STDs among medical providers and the public. Lastly, this bill will decrease HIV and STD occurrence in the State of Nevada and potentially end the HIV epidemic in Nevada.

2. These proposed regulations will not add any costs to the current regulatory enforcement activities conducted

by the Division of Public and Behavioral Health. Additionally, the proposed regulations do not provide for a new fee or increase any existing fee.

The proposed regulations are not duplicative or more stringent than any federal, state, or local standards.

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 Preston Nguyen Tang at the Division of Public and Behavioral Health at the following address:

Preston Nguyen Tang, MPH  
Division of Public and Behavioral Health  
1840 East Sahara Avenue Suite 110-111  
Las Vegas, NV 89104  
Phone: (702) 486-6488  
Email: [ptang@health.nv.gov](mailto:ptang@health.nv.gov)

Members of the public who require special accommodations or assistance at the workshops are required to notify Preston Nguyen Tang, Health Program Specialist I, in writing to the Division of Public and Behavioral Health, 1840 East Sahara Avenue Suite 110-111 Las Vegas, NV 89104, by calling 775-684-1030 or via email at: [ptang@health.nv.gov](mailto:ptang@health.nv.gov) at least five (5) working days prior to the date of the public workshop.

You may contact Preston Nguyen Tang by calling (702) 486-6488 or via email at [ptang@health.nv.gov](mailto:ptang@health.nv.gov) for further information on the proposed regulations or how to obtain copies of the supporting documents.

A copy of the notice and proposed regulations are posted and on file for inspection and/or may be copied at the following locations during normal business hours:

1. Nevada Division of Public and Behavioral Health - 4150 Technology Way, Suite# 300 Carson City, NV 89706
2. Nevada Division of Public and Behavioral Health - 1840 East Sahara Avenue Suite 110-111 Las Vegas, NV 89104
3. Nevada State Legislature - 401 S Carson St, Carson City, NV 89701
4. Southern Nevada Health District - 280 S Decatur Blvd, Las Vegas, NV 89107
5. Washoe County Health District - 1001 E 9th St B, Reno, NV 89512

A copy of the regulations and small business impact statement can be found on-line by going to: [https://dph.nv.gov/Programs/HIV/dta/Policies/HIV\\_Regulation\\_Development\\_Processes/](https://dph.nv.gov/Programs/HIV/dta/Policies/HIV_Regulation_Development_Processes/)

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) 684-1030 in Carson City or (702) 486-6515 in Las Vegas.