

Joe Lombardo
Governor



Richard Whitley,
MS
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Administrator

Ihsan Azzam,
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NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Amendment of Regulations of the Board of Health

LCB File No.085-23 relating to establish a fee for certain facilities to use the Nevada Automated Background Check System (NABS)

NOTICE IS HEREBY GIVEN that the State Board of Health will hold a public hearing to consider amendments to Chapter 439 of Nevada Administrative Code (NAC). This public hearing is to be held in conjunction with the State Board of Health meeting on March 1, 2024.

The State Board of Health will be conducted via videoconference beginning at 9:00 am on March 1, 2024, at the following locations:

- Microsoft Teams
https://teams.microsoft.com/l/meetup-join/19%3ameeting_NTJmNTFIZGItNDFhYy00NDJjLWlzMtktZTA3NTBiZDE2Mmlw%40thread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%22768e443d-3be6-48f0-9bb0-7e72f1276b8d%22%7d
- Join By Phone
(775) 321-6111; Phone Conference ID: 228 824 297#
- Physical Locations
Division of Public and Behavioral Health
Hearing Room 303
4150 Technology Way
Carson City, NV 89706

Southern Nevada Health District
Red Rock Trail Rooms A & B
208 S. Decatur Blvd.
Las Vegas, NV 89107

The proposed changes to NAC 439 include the following:

As authorized in NRS 439.948, the proposed changes to NAC 439 are as follows:

- The Division will charge a facility, hospital, agency, program or home or an intermediary service organization a fee of not more than \$14 per application to conduct an investigation into the background and personal history of a person pursuant to NRS 439.942 to 439.948, inclusive.
- A facility, hospital, agency, program or home or an intermediary service organization may recover the cost of a fee assessed pursuant to subsection 1 from the person subject to the investigation.

1. Anticipated effects on the business which NAC 439 regulates:

- A. *Adverse effects:* The proposed regulations would increase expenses for businesses affected by the proposed regulations.
- B. *Beneficial:* It is anticipated that affected businesses may recover the costs incurred from the proposed regulation from background check applicants.
- C. *Immediate:* There are no anticipated immediate benefits to businesses in the State of Nevada.
- D. *Long-term:* It is anticipated that the proposed regulation will be more beneficial for businesses compared to integrating the costs covered in the proposed regulations in an increase to licensing fees.

2. Anticipated effects on the public:

- A. *Adverse:* It is anticipated that the public may see an increase in the cost of services from the facilities affected by the proposed regulation.
- B. *Beneficial:* There are no anticipated beneficial effects to the public.
- C. *Immediate:* There are no anticipated immediate beneficial effects to the public.
- D. *Long-term:* There are no anticipated long-term beneficial effects to the public.

3. The Division of Public and Behavioral Health determined the impact on small business by conducting a public workshop on October 6, 2023, and distributing an email containing a link to the Small Business Impact Questionnaire to actively licensed facilities, hospitals, agencies, programs or homes listed in NRS 449.119 and to intermediary service organizations as set forth in NRS 449.4304.

4. There should be no additional costs to the agency to enforce the proposed regulations. It is anticipated that the workload to establish the fee collections can be incorporated into the Division's current background check workload.

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, Cody Phinney, to be received no later than February 23, 2024, 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:

- Nevada Division of Public and Behavioral Health - 4150 Technology Way, Suite #300, Carson City, NV 89706
- Nevada Division of Public and Behavioral Health - 4220 S. Maryland Parkway, Bldg. A, Ste. 100, Las

Vegas, NV 89119

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

A copy of the regulations and small business impact statement can be found on-line by going to:

https://dphh.nv.gov/Reg/HealthFacilities/State_of_Nevada_Health_Facility_Regulation_Public_Workshops/

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:

Division of Public and Behavioral Health

727 Fairview Drive, Suite E

Carson City, NV 89701

(775) 684-1030

(775) 484-4009

k.samuels@health.nv.gov

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.